GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

MORNING SESSION

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TUESDAY

JUNE 25, 2002

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:30 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

| | |
|---|---|
| JAMES HANNAHAM | Commissioner |
| PETER G. MAY | Commissioner (Architect of the Capital) |

COMMISSION STAFF PRESENT:

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

OTHER AGENCY STAFF PRESENT:

Arthur Jackson, Office of Planning
Maxine Brown-Roberts, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Corey Buffo, Esq.

C-O-N-T-E-N-T-S


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

(9:50 a.m.)

CHAIRPERSON GRIFFIS: Ladies and gentlemen, I will call this hearing to order.

This is the 25 June 2002 public hearing of the Board of Zoning Adjustment to the District of Columbia. My name is Geoff Griffis, Chairperson. Joining me today is Ms. Anne Renshaw, Vice Chair, and Mr. Curtis Etherly. Representing the National Capital Planning Commission is Mr. David Zaidain, and representing the Zoning Commission is Mr. Hannaham.

Copies of today's hearing are available for you. They are located at the table close to the door where you entered into the hearing room.

I am going to run through a few of our procedures and also some housekeeping notes, and I will just point out at this time that you all need to be aware that these proceedings are being recorded. So we always ask that people refrain from any disruptive noises or actions in the hearing room.

And when presenting information to the Board, please speak into the microphone. Microphones are laid out at the table in front of you. And I will ask that you state your name and your address upon coming forward to speak to the Board.

All persons planning to testify today, either in favor or in opposition, are to fill out two witness cards. These cards are located on the table, and they are also at the table where you entered into the hearing room. Upon coming forward to speak to the Board, you can give both cards to the recorder who is sitting to my right on the floor.

The order of procedure for special exceptions and variances today is, first, we always hear from the statement -- or hear the statement and witnesses of the applicant. Second, we have government reports, including Office of Planning and any other attendant reports for the application. Third would be the report of the Neighborhood Advisory. Fourth would be parties or persons in support. Fifth, parties or persons in opposition. And sixth, finally, we will have closing remarks by the applicant.

Cross examination of witnesses is permitted by the applicant or parties. The ANC within which the property is located is automatically a party in the case.

The record will be closed at the conclusion of each case, except for any material specifically requested by the Board. And the Board

and/or staff will specify at the end of the hearing exactly what is expected to be submitted and the date and times when that submission should be put into the Office of Zoning. After the record is closed, of course, no other information will be accepted by the Board.

The Sunshine Act requires that the public hearing on each case be held in the open and before the public. The Board may, consistent with its rules of procedures and the Sunshine Act, enter into executive session during or after the public hearing on a case for the purposes of reviewing the record or deliberating on the case.

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 present today not engage members of the Board in conversation.

Please turn off all beepers and cell phones at this time, so that we don't disrupt the proceedings or people giving testimony.

The Board can now, at this time, I believe consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today, such as requests for a

postponement, continuance, or withdrawal, or whether proper and adequate notice of this hearing has been given.

If you are not prepared to go forward today with this case, or if you believe that the Board should not proceed, now would be the time to raise such a matter. I will ask staff if they have any preliminary matters for the Board and also say good morning to staff. Ms. Bailey, and also Ms. Pruitt is with us, and Mr. Corey Buffo, corporation counsel today.

MS. BAILEY: Members of the Board, Mr. Chairman --

CHAIRPERSON GRIFFIS: Yes.

MS. BAILEY: -- good morning.

CHAIRPERSON GRIFFIS: Good morning.

MS. BAILEY: Yes. There is a preliminary matter. It has to do with the first case, Application Number 16887. That application was withdrawn.

CHAIRPERSON GRIFFIS: Indeed. So no action is needed by us.

MS. BAILEY: No action, Mr. Chairman.

CHAIRPERSON GRIFFIS: Thank you.

MS. BAILEY: That's the only preliminary matter at this time that staff has, Mr. Chairman.

CHAIRPERSON GRIFFIS: Good. Does anybody in the audience have any preliminary matters? If not, we can call the first case, then.

MS. BAILEY: Application Number 16885 of Jacqueline Joseph et al., pursuant to 11 DCMR 3103.2, for a variance from the offstreet parking requirements under Subsection 2101.1, to allow the conversion of an existing building to a church in the C-2-A District at premises 5533 Illinois Avenue, N.W., Square 2992, Lot 85.

All those persons who will be testifying today, please stand. All those persons that will be testifying today, please stand to take the oath. Please raise your right hand.

(Whereupon, an oath was administered to those persons planning to testify.)

Thank you.

Mr. Chairman, the Office of Zoning did receive a report this morning from the D.C. Department of Transportation. That's Exhibit Number 26, and that report does need to be waived into the record.

Will the applicant please come to the table?

And the case is ready to go forward.

CHAIRPERSON GRIFFIS: Thank you.

Good morning.

REVEREND MURRAY: Good morning.

CHAIRPERSON GRIFFIS: I'm going to have you just push the button on the base there in the center. There it is.

REVEREND MURRAY: Thank you.

CHAIRPERSON GRIFFIS: Please have a seat. Make yourself comfortable.

REVEREND MURRAY: Okay. Good morning.

CHAIRPERSON GRIFFIS: Good morning.

REVEREND MURRAY: My name is Reverend Martin Murray.

CHAIRPERSON GRIFFIS: And your address, sir?

REVEREND MURRAY: I live at 5513 7th Street, N.W.

CHAIRPERSON GRIFFIS: Thank you.

REVEREND MURRAY: But the church is at 5533 Illinois Avenue, N.W. Thank you.

CHAIRPERSON GRIFFIS: Did you have any opening statement?

REVEREND MURRAY: Well, the opening statement that I have is like my reason for the -- asking for this variance is that there is no -- the building is there a long time now, since about 1958 or

longer than that. And there is no parking in the back of the building.

It's a very old building that was there, and no parking -- it's only two buildings there that doesn't have any parking in the back. All the others have. Because this is an odd shape -- odd-shaped lot. See, there is no -- this is how it is. It's 85 and 86 no parking, period, but all the others have parking in the back.

And this -- I think that's the reason why there is no parking in the back of the building, so -- and we are just occupying there on Sundays for service in the mid-morning from 11:00 to about 2:30. Sometimes it goes to 3:00, and this is what it is.

And we have to really utilize whatever parking we can get, since, you know, the place is so -- no parking in the back of it -- the building. So this is why we have to apply for this variance, you know.

CHAIRPERSON GRIFFIS: Okay. As you stated, this is an existing building.

REVEREND MURRAY: Yes.

CHAIRPERSON GRIFFIS: It currently, according to the record, has limited parking onsite, but it is actually used by the other tenants of the

building. Is that correct?

REVEREND MURRAY: Well, yes. What happened is the building -- there is one of the owners living upstairs. They only have one car, and this is how it is. But, you know, my -- we just, you know, use that on Sundays, like I say, within the mid-morning from 11:00 to, let's say, about 3:00. And that's it.

We have like midday service from 11:00 to 2:00 -- from 12:00 to 2:00, but that doesn't really, you know, take up any kind of space, because most of the people are going to work and, you know, just a few of them that --

CHAIRPERSON GRIFFIS: And what days do you have the midday services?

REVEREND MURRAY: On Wednesdays.

CHAIRPERSON GRIFFIS: Just Wednesday.

REVEREND MURRAY: On Wednesdays.

CHAIRPERSON GRIFFIS: Okay. So you basically have operation on Sunday.

REVEREND MURRAY: Yes.

CHAIRPERSON GRIFFIS: And then Wednesday midday.

REVEREND MURRAY: Okay. We have like in the night like prayer meeting on Wednesday night.

But, you know, that is -- in that time, you know, it's like a ghost town around. I'm sorry. I shouldn't use that word, but --

CHAIRPERSON GRIFFIS: That's okay. And how long have you been in the building?

REVEREND MURRAY: We are there five years now.

CHAIRPERSON GRIFFIS: Okay.

REVEREND MURRAY: Five years.

CHAIRPERSON GRIFFIS: And you are now engaged in some sort of renovation which is --

REVEREND MURRAY: No, sir.

CHAIRPERSON GRIFFIS: You put permits in for work on the building?

REVEREND MURRAY: There was a little work done in the building, you know, but there's no renovation or anything as that that is taking place or anything as that.

CHAIRPERSON GRIFFIS: I see. So how did you come to having to come for a variance today after five years of occupancy of the building?

REVEREND MURRAY: Well, I was asking myself that same question, sir, but then the building inspector -- one of the building inspectors gave me a notice that I had -- well, let me see. Anyway, they

charged me $500 and saying that I do not have an occupancy license --

CHAIRPERSON GRIFFIS: Right.

REVEREND MURRAY: -- for that. And so that I need to have an occupancy license. And if I did have one, was to present it in X amount of days. So I -- like this next day I went downtown at 941, and I was -- I had asked to -- told him, "I come to get the occupancy license for this place." And they looked up, they said, "Was there a church there before?" I said, "Yes. When we went there, there was a church."

CHAIRPERSON GRIFFIS: I see.

REVEREND MURRAY: But the church as though it was not registered or something as that. So we kept on, and we've been working, and we just fix it up, you know, doing the necessaries, and so on. And so there we are, you know, for five years now.

But what happened is I didn't realize that we had to have an occupancy license for that, because of the fact our church is in existence 25 years now. We just celebrated our 25th anniversary.

CHAIRPERSON GRIFFIS: Congratulations.

REVEREND MURRAY: Thank you. But we started like on 1019 U Street, N.W. There is where we

have our occupancy license for that --

CHAIRPERSON GRIFFIS: I see.

REVEREND MURRAY: So after that, we move to 614 P Street, and from 614 P Street we went to -- you know, this is -- they have acquired this building. Three of the members acquired this building, and they say, "Okay, Reverend, we're going to put the church right here." See? And this is how it -- you know, it come about, and so on.

But like I said, I'm not trying to repeat myself. I didn't, you know, know I had to get that -- an occupancy license, since I've had this one -- this one for all of these years, you know.

CHAIRPERSON GRIFFIS: Okay. And so now, obviously, you're aware, certainly, certificate of occupancies run with the property, not with the function or the church.

REVEREND MURRAY: Yes, because I had to go back down and get some -- you know, when they said it -- they couldn't find, you know, these things for me to get the occupancy license, then they told me I have to do this -- this drawing of the place, and what not, so I -- immediately I say, "Can I get some extension?" because I received this letter from this inspector, and it said within some amount of days I will be

charged $500. So in turn I said, "Can I get some extension?"

And what Mr. Frank Moody told me, "You don't need an extension, Reverend. Just go ahead and get these things and bring them in." So I listened to him. And in the meantime, time ran out. They sent me this thing for $500, that it went in effect, you know, and they said, "You have to pay this $500."

Okay. Well, I went and I took care of that -- that part, that $500. And at the same time, Mr. Toye Bello, he had to look over these drawings. And so he told me -- a letter saying that I will need some space, and I have to come to the -- to 441 and get, you know, these -- apply for the variance and, you know, it's a long story.

CHAIRPERSON GRIFFIS: Yes.

REVEREND MURRAY: And so on. So, you know, here am I today, and, you know, I just --

CHAIRPERSON GRIFFIS: Okay. Good. I appreciate that background. I think it helps the Board kind of get to the big picture of the situation. But, clearly, you've laid out -- and what I'd like to do -- of course, for a variance there is three tests that --

REVEREND MURRAY: Right.

CHAIRPERSON GRIFFIS: -- you have to adequately substantiate for yourself, and that is the fact that in some way that there is a uniqueness to the property, and that that situation somehow creates peculiar or exceptional difficulty, and that, of course, that if -- if a relief is granted, that it would not be a detriment to the zoning plans.

REVEREND MURRAY: Right.

CHAIRPERSON GRIFFIS: And you've started to lay that out a little bit. And if I understand you correctly, you've stated the fact that you have an odd-shaped lot. You also have --

REVEREND MURRAY: It is.

CHAIRPERSON GRIFFIS: -- a building that occupies most of the lot --

REVEREND MURRAY: Right.

CHAIRPERSON GRIFFIS: -- not leaving lots of area to park.

REVEREND MURRAY: Right. And there is a huge -- well, there's an island in the front of the building, if I might say that.

CHAIRPERSON GRIFFIS: An island.

REVEREND MURRAY: An island. There's a big space --

CHAIRPERSON GRIFFIS: I see.

REVEREND MURRAY: -- in the front of the building, you know, but in the back there's nothing.

CHAIRPERSON GRIFFIS: I see. The building is set back far from the street.

REVEREND MURRAY: Yes, from --

CHAIRPERSON GRIFFIS: Indeed.

REVEREND MURRAY: -- the street. Yes, right, exactly.

CHAIRPERSON GRIFFIS: Indeed. Okay. And that situation, the amount of space that the building occupies, which is in existence, you don't know when the building was built, do you?

REVEREND MURRAY: It should be around '58, thereabouts, but it's a very -- it's a very old building.

CHAIRPERSON GRIFFIS: Okay.

REVEREND MURRAY: It's a long time ago.

CHAIRPERSON GRIFFIS: It's been there a long time.

REVEREND MURRAY: Yes.

CHAIRPERSON GRIFFIS: And, clearly, there would be no way to provide the adequate parking that's required for you --

REVEREND MURRAY: No, sir.

CHAIRPERSON GRIFFIS: -- without removing

part of that building.

REVEREND MURRAY: Yes, sir.

CHAIRPERSON GRIFFIS: I'm noting that there -- first of all, that this was properly noticed and posted on -- and the photograph shows that it's in your storefront. Did you have any communication with the ANC at all? Did you do a presentation to the ANC?

REVEREND MURRAY: Yes, sir. Yes.

CHAIRPERSON GRIFFIS: You did.

REVEREND MURRAY: Yes, I did. We -- as a matter of fact, the ANC person is here today.

CHAIRPERSON GRIFFIS: Oh, very good.

REVEREND MURRAY: Yes.

CHAIRPERSON GRIFFIS: Okay. Then we'll hear from them. All right.

Board members, other questions?

MEMBER ZAIDAIN: Mr. Chair?

CHAIRPERSON GRIFFIS: Yes.

MEMBER ZAIDAIN: Just so I'm clear, sir, on your history at the site, how long were you there before all of this happened? You've been there for three years, you said?

REVEREND MURRAY: At this present --

MEMBER ZAIDAIN: Right.

REVEREND MURRAY: Five years.

MEMBER ZAIDAIN: Five years, okay. And then -- and so when you located in there there was a church.

REVEREND MURRAY: It was a church, but I found out that it -- he was not registered.

MEMBER ZAIDAIN: Right. Well, I'm just -- I'm trying to tie all of this back to the C of O that we do have in our file, which is for a dry cleaner --

REVEREND MURRAY: Right.

MEMBER ZAIDAIN: -- in 1982, so I guess it went from -- that was the last permitted use in that -- in that site, and then that's where we are today. Okay. Just wanted to be clear.

REVEREND MURRAY: Okay.

CHAIRPERSON GRIFFIS: Good. One note I think the Board looked at was the fact that you are coming in for a variance, which is relief from any of the parking requirement. And there has been an issue.

I think it's clear, the fact that this is an existing structure, that we can and should look at this in terms of the individual new use -- we'll call it new use of the church to the building, thereby not having to factor the entire parking requirements for the entire building, and we can take that on as we are today.

There is -- well, I think that's enough said on that. Any other questions, then? You all set? Okay.

Did you want to have -- are you calling any witnesses? Are there --

REVEREND MURRAY: Well, like I said, the ANC person is here.

CHAIRPERSON GRIFFIS: Okay.

REVEREND MURRAY: And she, you know, would probably like -- maybe like to say something.

CHAIRPERSON GRIFFIS: Good.

REVEREND MURRAY: Also, my lovely wife is --

CHAIRPERSON GRIFFIS: Making a personal reference, is that what --

REVEREND MURRAY: Right.

(Laughter.)

CHAIRPERSON GRIFFIS: Okay. We'll accept that. Okay. Why don't we do this. Let's go through -- we do have Office of Planning, and they've put in a memo. Have you seen the Office of Planning report?

REVEREND MURRAY: Yes, I have been in contact with the Office of Planning.

CHAIRPERSON GRIFFIS: Thank you. Have you seen their report in the file?

REVEREND MURRAY: I'm not sure if that is one I -- it's the same one. Yes, I think that's right. This is it. No?

CHAIRPERSON GRIFFIS: Yes, we're going to get you a copy of this, then.

REVEREND MURRAY: Oh, okay.

CHAIRPERSON GRIFFIS: But while that's happening, does anyone have a spare copy? OP? Okay. Hold on just a second.

Let's turn to Office of Planning, and then we'll run through their report.

REVEREND MURRAY: All right.

MS. BROWN-ROBERTS: Good morning, Mr. Chairman, and members of the Board. I am Maxine Brown-Roberts, representing the Office of Planning.

The subject site is zoned C-2-A, and a church is a permitted use in this zone. The subject property is developed with a two-story building that has apartments on the upper floor, three retail uses, and the church on the bottom floor.

The building occupies a large portion of the property with only spaces for parking in the rear. To the rear of the property is also an 11-foot wide alley.

As per Section 2101 of the zoning

regulations, the applicant is required to provide 11 parking spaces for its congregation. Due to the lot occupancy of the building, the applicant is unable to provide the required parking onsite.

From an inspection of the site and the surrounding area, onsite parking is available in this neighborhood to serve the church during hours of operation. In addition, the applicant has contracted for additional offsite parking.

The standard for which BZA should approve a variance is set forth in Section 3103.2 of the zoning regulation. The building on the subject property currently occupies the majority of the property. This presents an exceptional situation, as it is impossible to locate the parking spaces onsite.

Due to the existing lot occupancy of the building, it is practically difficult to locate the parking onsite without demolishing all or part of the building. Therefore, the parking has to be offsite.

The congregation is very small, and so will not generate a need for many parking spaces that could overwhelm the community. In order to mitigate any parking conflicts that may arise, and minimize the impact of the variance, the applicant has contracted with three neighborhood businesses to share their

parking spaces.

By making these alternative parking arrangements, the operation of the church will not be a substantial detriment to the public good, as it will not affect other businesses or residents in the community. The intent and purpose of the zoning regulation and map will not be compromised as this is a permitted use, and provisions are made for offsite parking.

The Office of Planning, therefore, recommends that the Board of Zoning Adjustment approve the variance for the parking requirements.

Thank you, Mr. Chairman.

CHAIRPERSON GRIFFIS: Thank you very much.

Did you have any questions of the Office of Planning, or any questions about the report?

REVEREND MURRAY: No, sir.

CHAIRPERSON GRIFFIS: Okay. Do you have -- there's a couple of issues, and I think it's very well -- then, you see how Office of Planning set out the tests and actually answered it. And I think you clearly stated most of those.

Two questions that I have for you that Office of Planning brings up. One, stating that the congregation is very small. Certainly, I would assume

-- and tell me if I'm incorrect -- it would not be a bad thing if the congregation grew. Is that correct?

REVEREND MURRAY: That's correct.

(Laughter.)

CHAIRPERSON GRIFFIS: Okay. So in terms of having a statement that the congregation right now is at a small stage, with this new facility perhaps it will grow to magnificence. We need to factor that in in terms of the impact that that might have with the general area.

How has the growth been in the 25 years of your existence? What was your initial congregation membership, and what is it today?

REVEREND MURRAY: My initial -- well, the first church, when we started at 1019, we started with about eight people, and we grew out that -- we overgrown that. And so we went to 614 P Street, and we grew tremendously. Yes. And all of a sudden, for some unknown reason, people, you know, they don't want to go to church anymore. And this is how it is.

And I am not trying to preach to you, sir. I'm not trying to be rude or anything, but I would just quote you one little thing in Matthew 24, said, "In those days, many will leave the true fate and follow after seductive spirit." So people around do

not go to church these days, and, you know, a lot of things are going on. So the congregation started slipping, slipping, slipping.

CHAIRPERSON GRIFFIS: I see. What was your maximum congregation membership?

REVEREND MURRAY: We had about 60 -- about 60-some people.

CHAIRPERSON GRIFFIS: Okay.

REVEREND MURRAY: You know, but today it just diminished.

CHAIRPERSON GRIFFIS: Right.

REVEREND MURRAY: So it is -- but this is -- right presently now, I might say if -- on a good day, let's say maybe Easter Sunday, as you know, when everybody goes to church, and Christmas, maybe about 50 people.

CHAIRPERSON GRIFFIS: Okay.

REVEREND MURRAY: And that doesn't happen every day. That's just once in a while.

CHAIRPERSON GRIFFIS: Okay. Office of Planning also stated the fact that you had contracted for -- with three neighborhood businesses to share their parking spaces. We have in the file letters of somewhat -- I would call them letters of understanding that you are able to use some of the parking. But do

you have an actual contract, a lease contract, with any of these facilities for offsite parking?

REVEREND MURRAY: Well, the letter that I've gotten from these people, that is -- the final, you know, decision is -- you may say contracted, you know, because even the Rite Aid people, they told me, "Reverend, you don't have to get a letter from us." They say, "Because, you know, you are doing, you know, such good work in the community."

We went around there, and that place was drugs, you know, and we -- by us being there we cleaned up a lot of this, and even there was a man with a bottle shop right there. He was into it, and we asked him to leave, and all this, and the place is so -- you know, coming back, you know, to be really good, and so forth.

CHAIRPERSON GRIFFIS: Good.

REVEREND MURRAY: And, you know, it's a lot of things. So they realize these things, and they -- this is --

CHAIRPERSON GRIFFIS: Certainly.

REVEREND MURRAY: -- but I told them, "Look, this will be more appropriate, if we get a letter." They say, "Okay, Reverend, we're going to give you a letter." That's the general manager. And

take a photograph of the place and everything, which I did, and so forth and that.

CHAIRPERSON GRIFFIS: Okay.

REVEREND MURRAY: Gave them to the Office of Planning and, you know, so --

CHAIRPERSON GRIFFIS: Good. Okay. There is a difference between a letter of understanding for use and a contract. I mean, conceivably, Rite Aid tomorrow could say, "Stop using it," and you don't have any ramifications that you could continue to use it. I would not anticipate doing that. I'm certain that you're doing great things, and it is, in fact, appreciated by the other businesses.

The fact of the matter that you're coming in for a variance from relief from parking, not for a special exception to use offsite parking, makes a difference for us in terms of how we view that information. I think the fact that you are coming from relief from parking that I don't -- unless other Board members feel differently -- don't feel the need that we need to have substantiated contracts.

And I think perhaps that these letters of understanding fulfill your programmatic ideas of how you will facilitate not overcrowding the neighborhood with cars, because as you clean it up more people will

be coming in, and more people will be parking on the street, and it will be a very exciting and dynamic urban area.

So we don't want any conflicts to develop down the road when we have a huge congregation and a great residential and business neighborhood.

Any other questions, Board members? Office of Planning? Yes?

MEMBER ETHERLY: Mr. Chair, thank you very much.

Thank you very much, Pastor, for coming down. I would agree with you, Mr. Chair, with regard to the interpretation of the letters of understanding that we have from Rite Aid, New Concept Realty, and the Unique Auto Salon.

I want to ask the Pastor just very briefly, has your congregation already been -- and, please, I apologize for the hoarseness of my voice.

REVEREND MURRAY: No problem.

MEMBER ETHERLY: I'm fighting off a cold here.

REVEREND MURRAY: That's no problem.

MEMBER ETHERLY: Has your congregation already been making use of those additional parking spaces at the three locations that are identified?

REVEREND MURRAY: Well, I'll be honest with you, sir. I would answer no.

MEMBER ETHERLY: Okay. Okay. No problem.

REVEREND MURRAY: Be honest.

MEMBER ETHERLY: No problem. And the only reason I was asking is I note in the Rite Aid letter dated June 6th that those are 47 spaces there. So a very substantial number of spaces there.

REVEREND MURRAY: Yes.

MEMBER ETHERLY: The New Concept Realty letter doesn't note a specific number, but notes that there is ample parking there, as well as for the Unique Auto Salon. So I was just trying to get a sense of, in your estimation, you feel very comfortable with the number of spaces that are available at those three locations --

REVEREND MURRAY: I do, sir.

MEMBER ETHERLY: -- for your congregation.

REVEREND MURRAY: Right. Yes.

MEMBER ETHERLY: One final question. Do you have a sense for the number of members of your congregation that presently drive to Sunday services?

REVEREND MURRAY: Yes. Right now, it's --

MEMBER ETHERLY: I mean, would you say it's a small number or --

REVEREND MURRAY: It's about three members that really drive.

MEMBER ETHERLY: Okay.

REVEREND MURRAY: And the majority, you know, are -- well, young people like me, you know, and they are being dropped off by their friends or their kids and --

MEMBER ETHERLY: Okay.

REVEREND MURRAY: -- and they come back and just service -- they pick up and go, you know, and --

MEMBER ETHERLY: Okay.

REVEREND MURRAY: -- this is how they --

MEMBER ETHERLY: So you have a number of members that drive, but it's not a large --

REVEREND MURRAY: No, it's not.

MEMBER ETHERLY: -- overwhelming number.

REVEREND MURRAY: Not overwhelming, no.

MEMBER ETHERLY: Okay. And for the Wednesday activities, for your Bible study and --

REVEREND MURRAY: Yes.

MEMBER ETHERLY: -- for any of the community outreach activities, similarly -- it's probably going to be a smaller number --

REVEREND MURRAY: Yes, it's just --

MEMBER ETHERLY: -- on Wednesday.

REVEREND MURRAY: I think it's one lady and -- because my wife, you know, is within walking distance of the church, and a few of the people -- these young people they take the buses. Old people they take --

MEMBER ETHERLY: Okay.

REVEREND MURRAY: -- take the buses and they come and they get back at home by the bus, you know?

MEMBER ETHERLY: All right.

REVEREND MURRAY: So it's -- it's no big --

MEMBER ETHERLY: All right. Excellent. Thank you very much, sir.

REVEREND MURRAY: You're welcome.

MEMBER ETHERLY: Thank you, Mr. Chairman. I was, once again, just trying to get a sense of the availability of the additional parking through Rite Aid, New Concept Reality, and Unique Auto Salon, and drawing the connection back to the fact that we're probably not looking at a substantial number of vehicles that are presently utilized in the congregation.

It sounds as though the congregation is

coming, in large part, from the surrounding community, so you probably have a lot of members who are walking to the church, enjoying wonderful Sunday mornings in the District.

REVEREND MURRAY: Yes.

MEMBER ETHERLY: Great. Excellent. Thank you.

CHAIRPERSON GRIFFIS: Good.

VICE CHAIRPERSON RENSHAW: Mr. Chairman?

CHAIRPERSON GRIFFIS: Yes.

VICE CHAIRPERSON RENSHAW: I would like to ask Reverend Murray about the other church in the area. The Office of Planning report, on page 3, mentions that there is another church nearby. Do your services overlap? Do you have some agreements with the --

REVEREND MURRAY: No. Our service doesn't overlap, because they are more like -- what do you say like -- maybe like 3:00, 3:30 in the evening, going back, you know.

VICE CHAIRPERSON RENSHAW: So on Sundays that church is at -- holds services at a different time?

REVEREND MURRAY: Yes. It is a different time. It doesn't overlap with our church.

VICE CHAIRPERSON RENSHAW: All right.

REVEREND MURRAY: That's not --

VICE CHAIRPERSON RENSHAW: So you don't have any conflict with the other church vis-a-vis the parking in the area.

REVEREND MURRAY: No, ma'am. No conflict, no.

VICE CHAIRPERSON RENSHAW: Is that church also in competition for space at these locations where you have an agreement with the managers or the owners to use their parking area?

REVEREND MURRAY: I don't think so. Otherwise, they would not have let me go ahead and do that.

VICE CHAIRPERSON RENSHAW: Thank you.

REVEREND MURRAY: Yes, ma'am. Yes.

CHAIRPERSON GRIFFIS: Anything else? Okay. Let's move on, then, to the June 24, 2002, Department of Transportation letter submitted by Mr. Laden. And I will just summarize it; it is in the record as Exhibit Number 26.

They are indicating that there's a total number of 22 metered and non-metered parking spaces on the 5500 block of Illinois Avenue, which is adjacent and across the street from the subject site.

Additional parking spaces are also on Georgia, Longfellow, Kennedy, all within walking distance.

And, most importantly perhaps, there are several Metro bus routes serving Georgia Avenue, and also Kennedy, which provide access throughout the city, but also access to the green line and the red line train stations.

They do indicate that this will have a slight impact on the onstreet parking supply in the immediate area, but they, however, feel -- or believe that proposed use will not create dangerous or otherwise objectionable traffic conditions, or cause a large increase in the traffic volume for neighboring streets, and, therefore, come to the understanding that DDOT has no objection to the application.

MS. BAILEY: Mr. Chairman, that report does need to be waived into the record.

CHAIRPERSON GRIFFIS: Oh, indeed, it does. Any objections to waiving the report into -- I note a consensus of the Board to waive the report in. Did you have any comment on the DDOT letter?

REVEREND MURRAY: No, sir.

CHAIRPERSON GRIFFIS: Okay. Good. That's all I'm showing for government reports at this time. And so why don't we move on to the ANC, and I

understand the representative is here today, is that correct?

REVEREND MURRAY: Yes.

CHAIRPERSON GRIFFIS: Good. Why don't we have the ANC representative come forward. Good morning.

I'll have you turn off your mike, Reverend. If you could turn off yours. There it is.

MS. THOMPSON: Good morning. My name is Tina Thompson. I am the Chairperson representing Ward 4D and the Advisory Neighborhood Commission. I have observed Reverend Murray's case. I have been by his church. And I've read the letters giving him permission to park on their premises at the time of the church service.

And I did poll the Commission, which we have nine Commissioners, and it's in agree -- we are in agreeance to have him have his church at this location, with the provision -- the parking provision that has been arranged.

CHAIRPERSON GRIFFIS: Okay. Ms. Thompson, did you have -- your polling, as you say, did you have that at a regular ANC meeting?

MS. THOMPSON: Yes. And then I asked them individually. They all were in agreeance with him

having it there.

CHAIRPERSON GRIFFIS: Okay. And so you took a vote from the ANC?

MS. THOMPSON: Yes, we did.

CHAIRPERSON GRIFFIS: Okay. Are you submitting a letter today from the ANC?

MS. THOMPSON: I have been away. I had to -- I would like to have that resolution waived, because I had an addition to my family, and I had to go away for a while, and I was unable to prepare that. But I will submit that to you at a later date if you wish.

CHAIRPERSON GRIFFIS: Okay. Yes, I think that would be appropriate to do.

MS. THOMPSON: Yes, and I will do so.

CHAIRPERSON GRIFFIS: Okay. Any questions of the ANC member?

VICE CHAIRPERSON RENSHAW: It's good to see Tina Thompson here today. She runs a very tight ship, I must say, having appeared before her ANC. And I'm delighted to see you here today.

MS. THOMPSON: Thank you.

VICE CHAIRPERSON RENSHAW: And congratulations on a new addition to the extended family.

MS. THOMPSON: Thank you very much.

VICE CHAIRPERSON RENSHAW: And we'll look forward to having your report. It's important to have that as part of the file, and the signature of the Chair, and the date of the meeting, as you know.

MS. THOMPSON: That's right.

VICE CHAIRPERSON RENSHAW: And we will look forward to that document.

MS. THOMPSON: I promise.

CHAIRPERSON GRIFFIS: Good. Any other questions or clarifications from ANC?

Reverend, do you have any cross examination of the ANC member?

REVEREND MURRAY: No, sir.

CHAIRPERSON GRIFFIS: Okay. Good. Thank you very much, Ms. Thompson. And we do appreciate your taking the time to come down here this morning.

MS. THOMPSON: Okay. Thank you very much.

CHAIRPERSON GRIFFIS: Okay. Let us move on, then, to persons to give testimony, either in support or opposition of the application. You can come forward at this time, anyone wishing to testify. Did you want to have anyone else? Is anyone else going to testify in support or opposition of this? Oh, very well, then.

In which case, Reverend, you can take a moment to give us closing remarks or any last-minute -- there's no requirement for it, but I will give you the opportunity to do that, if you need.

REVEREND MURRAY: Well, my thanks -- my thanks to everyone on the staff, and it's a delight, you know, getting to know you. And I can see that you are doing a great job. I mean this. I can see that you are doing a great job, and I will just ask you just keep on doing the good works, you know, and just think positive and everything will be all right.

(Laughter.)

CHAIRPERSON GRIFFIS: Good.

REVEREND MURRAY: Thank you.

CHAIRPERSON GRIFFIS: Thank you very much.

Okay. Board members, what is your pleasure? Would you like to proceed today with this? Okay. Then, I think it is appropriate to proceed this morning, and I would move approval of Application 16885 for the variance from offstreet parking requirements under Section 2101.1, to allow the conversion of a portion of an existing building to a church, which is located at 5533 Illinois Avenue, N.W., and ask for a second.

VICE CHAIRPERSON RENSHAW: Second.

CHAIRPERSON GRIFFIS: Thank you, Ms. Renshaw. I think the case was fairly well laid out. As often is the case, Office of Planning helps in this great substantiation, and I would have Board members reference the aerial photograph that I think clearly documents the odd-shaped and -- the odd-shaped lot that comes towards the corner at that peak, access into that in the rear for parking clearly is a little difficult. But, more importantly, an existing building that has a large lot occupancy not making available onsite parking for the requirements before us today.

It would, as Office of Planning clearly noted, take removal of the building in order to provide the adequate parking, and I do believe that the limited impact, as the Department of Transportation laid out -- the limited impact on the street parking in the surrounding area clearly would, then, not be a detriment to the zone plan or zone maps or the uses around the area.

I thought it was well done that we had letters of understanding from other sites that will accommodate any overflow of parking or continue to get an increase in parking requirement needs. And, therefore, I would ask for the Board's support on this

application.

Any other comments to the motion? Not seeing any, then I'd ask for all those in favor, signify by saying aye.

(Chorus of ayes.)

And opposed?

(No response.)

And why don't we record the vote on that.

MS. BAILEY: The vote is recorded as five-zero-zero to approve the application. Mr. Griffis made the motion, Mrs. Renshaw second, Mr. Etherly, Mr. Hannaham, and Mr. Zaidain in support of the application.

And that's a summary order, Mr. Chairman?

CHAIRPERSON GRIFFIS: That's what I want to ascertain. Does the applicant request a summary order, or are you requesting a full order? There is a difference, one being the full order will outline clearly the findings of facts, the law that's required, the entire case. The summary order is an abbreviated order. One takes less time than the other.

REVEREND MURRAY: Summary order.

CHAIRPERSON GRIFFIS: Summary order? Very well, then. We can make it a summary order.

MS. BAILEY: And Chairperson Tina Thompson is to provide a letter from the ANC concerning the ANC's approval.

CHAIRPERSON GRIFFIS: Indeed.

MS. BAILEY: And that's it.

CHAIRPERSON GRIFFIS: Good. Thank you. And, clearly, the ANC -- we'll wait for that report before any order can go out in order to substantiate and fulfill the record.

With that, then, I wish you a very happy day. Walk slowly. It's hot out there.

And I think we can move to call the next case.

MS. BAILEY: The next case is Application Number 16888 of Zion Baptist Church, pursuant to 11 DCMR 3104.1, for a special exception for a child development center for 45 children, the ages are six to 12 years, and five staff under Section 205, and a special exception to allow accessory parking spaces located elsewhere than on the same lot as the principal use under Section 2114. The property is located in an R-1-B District at premises 1219 44th Street, N.E., Square 5121, Lot 806.

Please stand to take the oath. All those persons testifying, please stand to take the oath.

Please raise your right hand.

(Whereupon, an oath was administered to those persons planning to testify.)

The applicant, please come forward.

CHAIRPERSON GRIFFIS: Ms. Bailey, I also note that there may be an issue with posting. Is that correct?

MS. BAILEY: Yes, Mr. Chairman.

CHAIRPERSON GRIFFIS: Okay.

MS. BAILEY: The affidavit indicates that it was only posted for eight days. As you know, 15 days are required. And then, the affidavit was not filed in a timely manner, so that does need to be resolved.

CHAIRPERSON GRIFFIS: Okay. I need you to turn on the mike. Just push the button on the base. There it is. Perfect.

DEACON BURNS: I'm Deacon Burns from Zion Baptist Church. I'm also the coordinator.

On the issue of the posting of the sign, we posted it the same day we came down and picked it up. The affidavit that we had filled out, the dates that were put on the affidavit, were put on there incorrectly.

CHAIRPERSON GRIFFIS: I see. What was the

date that you picked it up?

DEACON BURNS: It's -- I have -- I signed for it over there. It was on the -- the 3rd -- I think it was the 3rd of June.

CHAIRPERSON GRIFFIS: I see. And then, who filled out the affidavit?

DEACON BURNS: A notary public. And when we were -- when she was filling it out, she asked me for the dates. And what I did was, after talking with the people down here in reference to how long the application -- the date that had to be on the affidavit, then I gave her that date, because I thought it was --

CHAIRPERSON GRIFFIS: I see. There was a misunderstanding of what the date was --

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: -- to be on the affidavit.

DEACON BURNS: Yes. That property has been posted for over 25 days.

CHAIRPERSON GRIFFIS: Okay. Do we need a resubmission of the affidavit for the correction for the record? Or can we just waive our posting rules?

MR. BUFFO: Yes, I think you could simply waive your posting rules in this case. Certainly.

CHAIRPERSON GRIFFIS: Okay.

MR. BUFFO: There is evidence to support --

DEACON BURNS: And I can do that, because the -- the lady who -- the notary, she also is familiar with the neighborhood, and she knew that it had been posted.

CHAIRPERSON GRIFFIS: I see. Okay. Board members, any objection to waiving our strict rules in terms of total compliance in the affidavit? I think, as corporation counsel has pointed out, that there is evidence that it was -- the reality of proper posting was there. The substantiation with the paperwork was not. Any objections? Then, we take that as a consensus and waive our rules regarding that.

Okay. With that, I will turn it over to you, sir, and you can begin presenting your case.

DEACON BURNS: I'm Deacon Burns, as I said, and we have a church located at 1234 Kennilworth Avenue. And adjacent to that church is a house, which is 1219 44th Street. And we purchased that house some four or five years ago with the purpose of turning it into a Collins Center where we can deal with children and as well as have small meetings to deal with teenagers, etcetera.

But what we finally came to the conclusion is that we will use the house basically as an extension of our child care center, which is located in the church. And the house is side and side with our property. In between is a vacant lot, which we own. So it's like one piece of property adjoined.

On the left side of the house is a private owner who is a preacher who has a -- has given us -- signed our petition to allow us to have it. Some -- we operated this program, training kids in -- from six through 12 in computers and behavior and helping them with their lessons, and this kind of thing, for some three years.

Last year, at the end of the summer, as we were getting ready to close, we were told that we had to have an occupancy permit. We were unfamiliar with that being necessary, because we had assumed that the house being an extension of the church, that we had an occupancy permit for the church as well as for the day care center located in the church. That the majority of these kids in the summer camp are the same kids that were authorized at the church, that we could just use this as an educational site, etcetera, and that's what we were doing. But we were told that that couldn't happen, that it had to have its own occupancy

permit.

We, then, proceeded to get that occupancy permit. We were told that -- I filled out all of the necessary paperwork, and we were issued an occupancy permit. But it was -- and I'm not trying to get anybody in any trouble, but it was not correctly issued.

Then, we are getting ready for our summer program this year, which started yesterday. We were told that they had to take it back, and that we had to come down and get a zoning exception. The misunderstanding that they had was that they wouldn't necessarily need that, because they did not recognize the R-1, the R-3, the zoning for that area.

So we, of course, gave it back, and we then applied to them, and they denied us, sent us over here as procedure. We're here this morning -- we wrote a letter requesting that we be moved up on the calendar, based on the fact that we have the children located at the church, and we need this site.

And we were trying to make the June school closing deadline. We did not make that. But we are still praying that we make it as early as possible by appearing this morning.

Now, in terms of the neighborhood, we've

operated some three to four years in the site, and we've had no opposition. We -- I went around to the neighborhood, and we've collected signatures from -- a petition of all of the people within that block, in lieu of the fact that, you know, we had the post -- letter post from your office down here.

We just did this so that we make sure that everybody got a chance to sign it. And we submitted that in evidence, that people were in support of it.

We also went to the Civic Association, and they approved it and wrote a letter in support of it. Mr. Dalton Howard, who is the President of the Civic Association for Eastland Gardens, where we exist, supported it.

Secondly, the one problem that we had is that the ANC Commission for that area does not meet as often as I guess they should. And we've had a very difficult time trying to reach them. That's one of the other reasons why we went in heavily to get petitions from the total community, so everyone would know what's happening.

Currently, we have 50 children which are approved for the church operation. And we had the inspectors to come out and inspect the house, and on the original application you saw 45. We had since

adjusted that, because the -- when they came out and inspected the house, they approved it for 29, so we now will use the figure 29. We used 45 because we were just given a figure, but 29 is the number that we're asking for.

We had four designated parking spaces for the original day care center, as pursuant to the regulations. We have added three additional specially-marked parking spaces, which are located beside the church, so that even though we have ample parking all along the front of the street, and ample parking in the rear of the house all along the street, we can park some 15, 20 cars on the front of the house, in the back, what is called the back, on the Kennilworth side.

And we also can park another 10 or 15 cars on the 44th Street side, because on the side of the street that we live on the church occupies, in that entire triangle, the only house. The church is there, and then our house is there, and, of course, the minister who is on the corner out there. So we have plenty ample parking.

CHAIRPERSON GRIFFIS: How many actual parking spaces do you have on the church site?

DEACON BURNS: We have eight, and I have

pictures to show those spaces.

CHAIRPERSON GRIFFIS: And your day care is anticipated to run five days a week?

DEACON BURNS: Five days a week.

CHAIRPERSON GRIFFIS: So not in operation on Saturdays or Sundays?

DEACON BURNS: No.

CHAIRPERSON GRIFFIS: And it runs the hours of -- you tell me.

DEACON BURNS: 6:00 through 6:00.

CHAIRPERSON GRIFFIS: 6:00 to 6:00. Are there overlapping operations at the church that would need that -- the eight parking spaces onsite with the --

DEACON BURNS: No.

CHAIRPERSON GRIFFIS: There's no mid-week evening activities at the church?

DEACON BURNS: When the mid-week services take place, they take place after 6:00.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: And at 6:00 we are out of there.

CHAIRPERSON GRIFFIS: Right. Okay. Yes, I believe you stated the ages that were going to be in this specific house. But can you just restate that?

DEACON BURNS: Six to 12.

CHAIRPERSON GRIFFIS: Six to 12. Okay.

DEACON BURNS: And I saw somewhere in a report that someone wrote up, they had -- what did they have, 15 on there?

CHAIRPERSON GRIFFIS: Yes, there were a couple of ages that were discussed.

DEACON BURNS: No. We are -- we go to 12.

CHAIRPERSON GRIFFIS: Okay.

DEACON BURNS: We stop at 12.

CHAIRPERSON GRIFFIS: And that's why we call you down here, for total clarification.

DEACON BURNS: Yes. And if I might add, our center -- we are a government-operated center. We have to abide by all of the rules of the government. We have inspectors come daily, and they don't cut any slack. So when they come in, they check everything.

CHAIRPERSON GRIFFIS: How are you government-operated?

DEACON BURNS: We receive vouchers from Department of Child Education and Welfare.

CHAIRPERSON GRIFFIS: Okay. So the children that come to the facility are actually placed by that agency?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: Not all now. We do have some private children. We will accept children who are non-voucher.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: But the majority of our children are voucher.

CHAIRPERSON GRIFFIS: And those children that are non-vouchers would be from --

DEACON BURNS: Six to 12.

CHAIRPERSON GRIFFIS: -- ages six to 12.

DEACON BURNS: They have to abide by the same rules.

CHAIRPERSON GRIFFIS: And where would they live? Is there a typical area where they're living?

DEACON BURNS: They are counted within the -- where would they live? Oh, the majority of them live -- either are our church members or they live within the community. We have a lot of neighborhood children.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: We service Kennilworth Courts, which is up the street, and Eastland Gardens, and Parkside. We pick up our children from Kennilworth Elementary School and from Parkside, the

elementary school up at Parkside.

CHAIRPERSON GRIFFIS: Okay.

DEACON BURNS: So we're like a neighborhood operation.

CHAIRPERSON GRIFFIS: Okay. And when you say you pick up, do you actually -- physically pick the kids up? Or you're saying you pick the kids up for the program?

DEACON BURNS: We send the workers down to walk with the children --

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: -- to school. And, of course, we do have where we use the -- we have a van, and, if it's on inclement weather days, we will supply transportation.

CHAIRPERSON GRIFFIS: Okay. And that's a church-owned van?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Is that correct? And that is parked all the time on the church property?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. And the voucher children that come, how do they get to the facility?

DEACON BURNS: Their parents drop them off.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: Except for the ones that are at school. They just walk over.

CHAIRPERSON GRIFFIS: Indeed.

DEACON BURNS: Because the majority of our children go to Kennilworth. And during the school year, they just walk over to the center.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: And the ones that live in Kennilworth, during the summer camp they walk down to the center. Most of our children walk, their parents walk with them, except for Mayfair Parkside, some of those ride.

CHAIRPERSON GRIFFIS: I see. Okay. And the facility has been approved, as you've stated, for 29 -- oh, let me also just state, I think you are fully aware, but the Certificate of Occupancy obviously --

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: -- the building, and it has to do with an awful lot of things, but life safety is one of the major pieces of it. But that being said, your approval for 29, how many staff

members do you have, then, in that attendant to this facility?

DEACON BURNS: In the facility, there will be, as required -- we are required to have three staff members.

CHAIRPERSON GRIFFIS: You're required by --

DEACON BURNS: By the government regulations.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: You must have one to 15 --

CHAIRPERSON GRIFFIS: Indeed.

DEACON BURNS: -- so we will have three staff members -- the director and two persons. But we want to have -- the reason why we have five is because we have a sexton, and one of the young people in the church who is 14 works in the program. We have that kind of thing going on.

CHAIRPERSON GRIFFIS: I'm sorry. You said you have five?

DEACON BURNS: We have a young -- we have a couple of young kids who don't drive. They are 14 years of age. They come and work as junior aides to help us with the teaching of the children, and so forth.

CHAIRPERSON GRIFFIS: I see. Are they full-time? Are they there all the time?

DEACON BURNS: No. Just for the summer.

CHAIRPERSON GRIFFIS: But during the summer, they are there 40 hours a week?

DEACON BURNS: Twenty hours a week.

CHAIRPERSON GRIFFIS: From 6:00 to 6:00. So they're part-time workers.

DEACON BURNS: They only work 20 hours.

CHAIRPERSON GRIFFIS: I see. Any Board member, off the top of their head, know the parking count for staff members? I think it's one per two, is it not? Or one per four?

MR. BUFFO: It's one for each four teachers and other employees.

CHAIRPERSON GRIFFIS: Indeed. So one would be required, so that doesn't change what was noted here. Okay.

Anything else that you would like to let us know? Oh, let us -- let me do -- clearly, you're coming in under Section 205, and there is -- are you familiar with the regulation for child development centers in R-1?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. There is an

awful lot of provisions that need to be in compliance for our zoning regs. The one big one, of course, you have already touched upon in terms of licensing and inspections of the attendant agency to those.

I'm going to run down them. And if you have further information you feel appropriate to speak to these, now would be the time to do that. Clearly, under Section 205.3, the center will be located and designed to create no objectional traffic conditions and no unsafe condition, in terms of picking up and dropping off children.

The center would provide sufficient offstreet parking. The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact on adjacent or nearby properties due to noise, activity, or visual or objectionable conditions.

I'm going to ask you just to, again, describe -- and, in fact, we may need to have some submitted plan that shows where your outdoor play is. But do you want to walk us through that? And let me, before I do that, do you --

DEACON BURNS: With the outdoor play areas --

CHAIRPERSON GRIFFIS: Yes.

DEACON BURNS: Yes, I have pictures of those.

CHAIRPERSON GRIFFIS: You do.

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. Do you want to submit those into the record?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. Do you know that you won't get those back?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. Why don't you do that at this time. You can hand them to the staff member on my far right.

And, Board members, while pictures are coming in, I would also preempt the Office of Planning, but have you look at the aerial photograph again. And I think it's fairly clear the site size and location in terms of its adjacency to the church property. And as described by the applicant, the church abuts this -- this house structure and its property.

DEACON BURNS: Okay. We have a huge lot between the church and the house, and that is about half the size of a regulated -- it's about -- it's two tennis court sizes. In the back of the church we have

another lot which is for the smaller children, which is fenced in, and it also meets the government regulations in terms of space.

I have submitted the pictures there. And on the -- in the back of the house there is another fenced in lot.

CHAIRPERSON GRIFFIS: These are very helpful.

DEACON BURNS: We also have made arrangements -- I have made arrangements with the Parks and Recreation. They have -- they are located within a block and a half from us, walking distance.

CHAIRPERSON GRIFFIS: To the north?

DEACON BURNS: We have the swimming pool, and we have that huge Kennilworth -- I mean, not Kennilworth -- Eastland Gardens Park out there. It runs all the way back to Bening Road.

CHAIRPERSON GRIFFIS: And the Parks and Rec, is that on Nash?

DEACON BURNS: It's on --

CHAIRPERSON GRIFFIS: 44th and Nash? Is it north?

DEACON BURNS: It's -- the recreation center is on --

CHAIRPERSON GRIFFIS: No, please. I'm

just going to have you turn on your microphone. You may have to turn off the other one, so you don't get feedback. You just push the button on the base. There it is.

MR. HOWARD: Okay. Excuse me for joining you late. My name is Dalton Howard, and I am the President of the Eastland Gardens Civic Association.

CHAIRPERSON GRIFFIS: Good. Can you just give me your address?

MR. HOWARD: 4020 Lee Street, N.E.

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: 20019. Those are the homes that surround the church and the subject property.

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: And I would just like to add, if this is the appropriate time to add, that --

CHAIRPERSON GRIFFIS: That seems to be giving some trouble. Why don't you turn that one off, and then see if you can't pull that one over. See if that's a little better today.

DEACON BURNS: I'll turn mine off.

CHAIRPERSON GRIFFIS: Indeed.

MR. HOWARD: Okay. That was it. I think that was it.

The Civic Association has met and

discussed, on more than one occasion, the church's activity with the day care and the --

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: -- child programs.

CHAIRPERSON GRIFFIS: Let me interrupt you just briefly. You're going to -- you're speaking from the Civic Association in support of the application. Is that correct?

MR. HOWARD: Just to say that it supports it.

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: No need for a long speech.

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: That the organization supports it, but I am prepared to answer the question that you asked Mr. Burns.

CHAIRPERSON GRIFFIS: Great. I think we'll throw our schedule a little out of loop here, but we'll have you proceed.

MR. HOWARD: Yes. The park is called Kennilworth Parkside -- Kennilworth Park, and it's -- it goes down Lee Street. It borders Lee Street, and then it also borders Anacostia Avenue.

CHAIRPERSON GRIFFIS: Okay. How far away from the facility is it?

MR. HOWARD: The park is about two and a half blocks.

CHAIRPERSON GRIFFIS: Two and a half blocks.

MR. HOWARD: From the facility.

CHAIRPERSON GRIFFIS: Okay. And if I'm not mistaken, it is -- is it -- what direction is it from the site?

MR. HOWARD: It would be north.

CHAIRPERSON GRIFFIS: Yes, kind of north.

MR. HOWARD: It would be north.

CHAIRPERSON GRIFFIS: Northeast maybe.

DEACON BURNS: And the school playground, the one that we use --

CHAIRPERSON GRIFFIS: Yes.

DEACON BURNS: -- it's one block from the church.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: Do you see it?

CHAIRPERSON GRIFFIS: Right.

DEACON BURNS: Kennilworth Elementary School.

CHAIRPERSON GRIFFIS: And the children get to these facilities by -- how?

DEACON BURNS: Foot.

CHAIRPERSON GRIFFIS: They walk.

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. And they walk with the staff members, of course.

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay. Okay.

MR. HOWARD: If I might add --

CHAIRPERSON GRIFFIS: Yes.

MR. HOWARD: -- in terms of the park, where it's located, it's a gigantic, monstrous park. It goes all the way back to the river --

CHAIRPERSON GRIFFIS: Right.

MR. HOWARD: -- from Anacostia Avenue back to the river, and it has a lot of facilities, a large rec center, a football field with a quarter-mile track, several golf -- I mean, several tennis courts, and a racquetball wall, and several outside basketball courts.

CHAIRPERSON GRIFFIS: Good.

MR. HOWARD: Yes.

CHAIRPERSON GRIFFIS: Are Board members familiar with this facility? I think some of us are probably well aware of its accommodations.

Okay. But speak to the Board a little bit about onsite recreation. You just stated that there

is, for the younger children -- and that's the younger children within the age ranges of six to 12 -- but the younger children have a fenced area immediately behind the specific property.

DEACON BURNS: Right.

CHAIRPERSON GRIFFIS: Is there use of the fields in between the property and the church for recreation space?

DEACON BURNS: Yes. Do you mean between the house and the church?

CHAIRPERSON GRIFFIS: Yes.

DEACON BURNS: Yes. We use that for kickball and for touch. Some kids can play on this end, and we can have kids on this end.

CHAIRPERSON GRIFFIS: I see.

DEACON BURNS: So it's -- it's adequate. And then we have what we call a patio, where we have a basketball set up right beside the church, right down here. It's recessed.

CHAIRPERSON GRIFFIS: On the church property.

DEACON BURNS: Yes. All that's on the church property.

CHAIRPERSON GRIFFIS: I see. And there is no fencing outside of the one you've described

immediately to the rear or towards Kennilworth Avenue.

DEACON BURNS: The one -- the fencing is in the rear of the house, and in the rear of the church, because you have to have -- the younger children have to be fenced in when they play.

CHAIRPERSON GRIFFIS: Okay. I note in the photograph that there's a car parked on the grass. Is that a normal occurrence?

DEACON BURNS: That's a parking space.

CHAIRPERSON GRIFFIS: It is a parking space.

DEACON BURNS: Yes. And that's for the van.

CHAIRPERSON GRIFFIS: What makes it a parking space?

DEACON BURNS: We cemented it.

CHAIRPERSON GRIFFIS: Oh, you're saying that it's actually paved.

DEACON BURNS: It's paved.

CHAIRPERSON GRIFFIS: Okay. It may just be the photograph, then.

MR. JACKSON: Just a clarification, that photograph was taken from '99. That aerial is from 1999.

DEACON BURNS: Oh. You don't see it on

your aerial.

CHAIRPERSON GRIFFIS: See what on the aerial?

DEACON BURNS: The paved area for the --

CHAIRPERSON GRIFFIS: I see the paved area for the church.

DEACON BURNS: Yes. For the van.

MEMBER ETHERLY: Mr. Chair?

CHAIRPERSON GRIFFIS: For the van. But what I'm talking about is the specific photographs that you just submitted. There's a blue sedan -- I don't have them right in front of me again.

MEMBER ETHERLY: Mr. Chair, I think I can add some clarification.

CHAIRPERSON GRIFFIS: Yes.

MEMBER ETHERLY: We have in our file a couple of photographs of the church property and the adjacent property. If my colleagues would look at Exhibit Number 4, which -- and I'm looking at the bottom photograph in Exhibit Number 4, there is a picture of the church and the subject property.

There is a concrete pad next to the church, between the subject property. That's a parking space area.

Now, I believe what my colleague, Chairman

Griffis, is referencing -- and, once again, my apologies for the hoarseness of my voice. In the pictures that you submitted, there is that large green space lot that's more adjacent to Kennilworth Avenue, more adjacent to 295, where there are a couple of sedans parked on that green space.

DEACON BURNS: Oh, see, we -- that can't -- that's not -- we didn't submit that as a part of this, because we have permission from the owners of that property to park, but it's not -- you know, when DDOT came out, it's not, you know -- it doesn't meet government whatever.

MEMBER ETHERLY: They said it didn't --

DEACON BURNS: Right. So, you know, in order to do that, so but I -- we don't want to give anybody the impression that we're trying to -- so I just took pictures to --

MEMBER ZAIDAIN: So just to clarify, just to kind of put it in a fundamental term here, the parking spot is going to be provided at 1234 Kennilworth to serve --

DEACON BURNS: Yes.

MEMBER ZAIDAIN: -- the child development center.

DEACON BURNS: Yes. That's where --

MEMBER ZAIDAIN: There was some confusion on -- because we started -- there was some conversation about this satellite area here. But you're not utilizing that. You're saying you're using --

DEACON BURNS: Oh, the satellite area -- the reason why we -- again, back to your -- the zoning office down here, and DDOT, if we were to use -- we do own that property down the street. But in order to use that property for parking, etcetera, we would have to go through the process for creating that into a parking lot.

MEMBER ZAIDAIN: Right. But you're not doing that.

DEACON BURNS: No. No. Because that's a whole new ball game.

MEMBER ZAIDAIN: Okay. Well --

DEACON BURNS: We probably will be coming back.

MEMBER ZAIDAIN: No, that's fine. Okay.

DEACON BURNS: That's another whole --

MEMBER ZAIDAIN: Okay. So just to clarify all -- because we've had a little confusion up here -- we're -- the child development center is going to be at 1219, and then your parking space, as required for

that, is going to be at 1234.

DEACON BURNS: That's right.

MEMBER ZAIDAIN: Good. Okay.

MEMBER ETHERLY: And the pictures -- the additional pictures that were submitted are taken from the plot of land that's noted as "other church property" --

DEACON BURNS: Yes.

MEMBER ETHERLY: -- on the overhead map.

DEACON BURNS: Yes.

MEMBER ETHERLY: Okay. Thank you.

DEACON BURNS: I thought I would put it in there because sometimes in talking with zoning it -- if you have a question in your mind in reference to if we become expansive, where would we go, I wanted to have the Board know that we do have a place to go. We have alternatives. That's what I was addressing.

CHAIRPERSON GRIFFIS: I see. Well, the fact of the matter, if you do expand, you'll probably be back here. So we don't need to worry about that right now.

MEMBER ETHERLY: Mr. Chair?

CHAIRPERSON GRIFFIS: Yes.

MEMBER ETHERLY: If I may real quickly, just to clarify or at least a slightly different

question, for that one -- for that parking space that's between the church and the subject property, is that just one space, or is that three there?

DEACON BURNS: Do you mean for the --

MEMBER ETHERLY: The concrete space right --

DEACON BURNS: Oh, it's only one space where you see the --

MEMBER ETHERLY: That's only one space.

DEACON BURNS: Yes, that's one.

MEMBER ETHERLY: Okay. Okay. And that's designated for the church van?

DEACON BURNS: Right.

MEMBER ETHERLY: Okay. And that will remain that way?

DEACON BURNS: Yes.

MEMBER ETHERLY: You mentioned that you have eight onsite spaces that are actually on the church property itself.

DEACON BURNS: Yes.

MEMBER ETHERLY: Okay. Are you -- and if I recall correctly, you noted that you hope to take three of spaces and designate those only for the day care?

DEACON BURNS: We designated it -- we've

designated three for the 1219 property.

MEMBER ETHERLY: Okay. Okay. Three spaces that are on the church property --

DEACON BURNS: Right.

MEMBER ETHERLY: -- at 1234.

DEACON BURNS: Right.

MEMBER ETHERLY: Okay. Thank you. Thank you, Deacon Burns.

CHAIRPERSON GRIFFIS: Okay. Additional information you need us to know at this time?

DEACON BURNS: Not unless you have any.

CHAIRPERSON GRIFFIS: Oh, we may -- we'll have further questions. But let me -- let me run down -- as I stated, we have a whole process of things that we need to get to. So let's go to government reports, and I think Office of Planning can -- will give us further information that we may need, or questions will arise.

So with that, we welcome Office of Planning.

MR. JACKSON: Mr. Chairman, I apologize for the delay in arriving. I was in another meeting. But briefly, I will go through my report. Since the -- since you have it before you, I will just highlight -- identify the highlights and then open myself for

questions on the recommendation.

The applicant is applying to establish a second child development center in the -- on property owned by the church. This will be the only center operated on the subject property.

The applicant operates a center that was -- it's covered by a Certificate of Occupancy that has -- was issued in 1998 covering operations at the center. They were operating a similar use in the existing building until they were notified that they had to get a Certificate of Occupancy. As a result, they submitted the appropriate application for a special exception, and that's why we have this application before us today.

Our review of the application indicated that the -- based on the information submitted, that the -- it had to meet certain requirements. Specifically, they need to comply with Section 205 of the zoning regulations.

After reviewing the conditions under 205, we concluded that the application would meet the conditions -- the requirements under 205, with certain conditions, which we included in our recommendation.

However, the proposal -- also, we require a parking space, which could not be accommodated on

the property. As such, based on the review by the -- by DCRA, a division of DCRA -- or the Department of Health -- they reduced the number of clientele they could provide services for, and thereby reducing their parking requirement to one space.

At issue was that since they could not put the space on the subject property they need to put it someplace else. The applicant selected a -- decided to put that single space for weekly use -- that would be used weekly by the occupant -- the operator of the center on the church site. As such, it needed to quality for a special exception for it to relocate a required space to another site. Therefore, they would have to be in compliance with Section 2116 of the zoning regulations.

After going through those regulations, we determined that the as conditioned -- the conditions that we are about to propose, this application could meet the requirements of 2116 of the regulations.

We looked at the comprehensive plan and found that this use did not conflict with the comprehensive plan. The agency reviews were positive, although we did not receive comments from all agencies.

I would note that one of the agencies that

was required to review and approve this application indicated that they could not review the application until -- review the use until the application was approved, which was a bit of a surprise to us. At any rate, we also included that in our conditions of approval.

So based on the findings of our review, meeting with the applicant onsite, and walking the property, we make the following recommendations. We recommend approval of a special exception to allow a child development center on the subject property, subject to the following conditions.

One is that a Certificate of Occupancy for the proposed use must be approved within 30 days of the final order, that the use is approved for three years from the date of the final order, that the number of students licensed should not exceed 29, that the number of teachers and staff should not exceed five, and that the normal hours of operation would be 6:00 a.m. to 6:00 p.m., Monday through Friday, except that the center would remain open as long as possible for children to be picked up, and that the applicant comply with all of the applicable regulations concerning licenses of day care centers or child care centers.

In addition, we recommend approval of a special exception to allow one parking space required for the proposed use to be located on the adjacent property, church property, at 1235 Kennilworth Avenue, subject to the following conditions -- that the space would be reserved weekdays from 6:00 a.m. to 6:00 p.m. for the use of this center, or the operator of this center, and that this approval is to remain in force for the duration of the companion special exception for the child care/child development center.

I would also note that in the petitions that were provided with this -- my report, there is a signature for the adjacent property owner, Ms. Virginia Cunningham, Reverend Cunningham, who has been -- who has lived next to the property for -- during the entire time where this use operated in the summer, and obviously has no complaint about the use.

And I would also note that the requirement for five staff was included in our recommendation, although the applicant indicates that they only need four, because that would be the maximum number of staff that would be allowable for one parking space.

With that, that concludes the Office of Planning's report, and we are available for questions.

CHAIRPERSON GRIFFIS: Good. A quick

clarification -- clearly, in compliance with 205.9 and 205.10, the proper referral for review and reports has been made to the agencies. And as you've stated, we don't have the requirements for approval of those in that some of those will have to take place after our approval.

MR. JACKSON: Right. And that is why I included the provision about getting a CO within 30 days.

CHAIRPERSON GRIFFIS: Good.

MR. JACKSON: The assumption now -- the applicant could request additional time if they wanted to, but I think most of the -- the most critical approvals, except for the DCRA building code approvals, have already occurred. And the only issue was the actual scheduling of the visit, which had to do with the timeliness of this approval. So once A is in place, then B should happen forthwith.

CHAIRPERSON GRIFFIS: Excellent. Board members, questions of Office of Planning and their report?

Does the applicant have any questions of the Office of Planning? You just need to turn on your mike.

DEACON BURNS: You said 1235. You said

1235.

MR. JACKSON: I'm sorry. I meant 1234.

DEACON BURNS: You meant -- okay.

MR. JACKSON: That's my error.

DEACON BURNS: Okay.

CHAIRPERSON GRIFFIS: Good. Okay. If there are no other issues for Office of Planning, we thank them and appreciate the very thorough report, and move on to other government reports. I have noted a DDOT report.

Since you came in late, you weren't aware of my opening statements about turning off cell phones. So if you can do that at this time, that would be appropriate.

MEMBER ZAIDAIN: Mr. Chair, I have a quick question for OP.

MR. JACKSON: Yes.

MEMBER ZAIDAIN: I apologize. There was some confusion up here while you were presenting, and I just wanted to clarify something. And this is an excellent report, so I do appreciate the information here.

But you want to condition the approval for granting it for three years. It's my understanding that the previous order was for 10, I believe. What

was the reasoning for the three-year requirement again?

MR. JACKSON: Mr. Chairman and members of the Board, the applicant has shown great willingness to work with the community, and he has established one use, and he -- and during the summer he established another use that operated, I assume, from July through September.

With this approval, the applicant will be operating two of the same uses throughout the year. The only thought is that there could be a different circumstance if there are two operating -- two of these uses are operating during school months the entire year, as opposed to one that operates just intermittently in the summer.

This will give the community an opportunity to come forward, if there were issues, and -- that is, to give them the opportunity to -- to raise those issues at a point less than 10 years away, if there should be a problem.

I would anticipate, however, that if there are no problems the applicant can -- would be able to file -- to quickly get this extended for another seven years if the problems that may occur over the next three years are ironed out sufficient to satisfy the

community.

I would also note that in this -- because of the timing of this case, and the need for the applicant to move forward quickly, there really isn't opportunity for the ANC to weigh in as a body. So that's also my -- the other concern.

MEMBER ZAIDAIN: All right. So you're saying three years is a good evaluation period.

MR. JACKSON: I would say so. But, again, that was just an idea, and the applicant seemed to be agreeable with that. But it's just a suggestion.

CHAIRPERSON GRIFFIS: And it's certainly not out of the ordinary for the Board to run in that kind of timeframe. And I think the points are well made in terms of the two uses that are now coming together.

Okay. Other -- last questions of OP? In which case we can go to DDOT report, which does --

VICE CHAIRPERSON RENSHAW: I do have --

CHAIRPERSON GRIFFIS: Yes.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, I do have a question for the Office of Planning. The applicant has said that it has been a difficult time to reach the ANC-7D. Did you have an opportunity to try to reach the Chair or one of the officers?

MR. JACKSON: I tried, yes.

VICE CHAIRPERSON RENSHAW: Tried by phone or by mail?

MR. JACKSON: By phone.

VICE CHAIRPERSON RENSHAW: By phone.

MR. JACKSON: Yes.

VICE CHAIRPERSON RENSHAW: And no response whatsoever?

MR. JACKSON: None.

VICE CHAIRPERSON RENSHAW: Thank you.

MR. HOWARD: Mr. Chair? I would like to ask if I could be excused at this point.

CHAIRPERSON GRIFFIS: I think so. We'll take -- you gave the testimony that you needed --

MR. HOWARD: Yes.

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: There is no objection from the community.

CHAIRPERSON GRIFFIS: Okay. From your community association.

MR. HOWARD: The civic association.

CHAIRPERSON GRIFFIS: The civic association.

MR. HOWARD: Eastland Gardens Civic Association.

CHAIRPERSON GRIFFIS: Okay.

MR. HOWARD: Yes. And also, I did attempt to reach Mr. Frank Hill, who is our single member district ANC official, and I haven't received a call back. I spoke to him briefly, but -- and we were both a little busy.

CHAIRPERSON GRIFFIS: I see.

MR. HOWARD: Yes. But I'm not aware of any objection that he has. He is also a resident of Eastland Gardens, too.

CHAIRPERSON GRIFFIS: I see.

MR. HOWARD: Yes.

CHAIRPERSON GRIFFIS: Good. Okay.

MR. HOWARD: Thank you.

CHAIRPERSON GRIFFIS: Well, we thank you for coming down here this morning. Let us proceed, then, to DDOT's report that outlines all of the bases of their information for their own deliberation that goes to their judgment that the -- and I will read the last paragraph.

"In our judgment, because the applicant has provided the required number of parking spaces, and the granting of a special exception will create no additional traffic impacts, DDOT has no objection to granting the special exception to the applicant."

Do you have this report?

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: Okay.

DEACON BURNS: I think we do.

CHAIRPERSON GRIFFIS: This report is from Mr. Ken Laden dated June 18, 2002. It is Exhibit Number 24 in the case.

MR. JACKSON: That's not it.

CHAIRPERSON GRIFFIS: Right. That's the Office of Planning report. Okay. We will provide you with a copy, then.

Do Board members have any questions of it?

Okay. Noting that this was received on the 21st of June 2002, I would boldly state we need to waive this report into the record. If there are any objections, they can be heard now. Not seeing any indication of it, we can have a consensus to waive that report in.

Do we have any other government reports? It's already been established that the ANC has not made a report.

MS. BAILEY: Mr. Chairman, there is a Fire and Emergency Medical Services -- I'm sorry, report from the Department of Fire and Emergency Medical Services.

CHAIRPERSON GRIFFIS: Excellent. Yes, dated June 12, 2002. It's actually attached to the Office of Planning Report, and I believe they labeled it Exhibit 4.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, there are actually two having to do with fire. One is from DCRA --

CHAIRPERSON GRIFFIS: Correct.

VICE CHAIRPERSON RENSHAW: -- and the other is from the fire marshal. At least that's what I -- the Fire Protection Division of DCRA and the fire marshal in the Fire Department.

CHAIRPERSON GRIFFIS: Okay. And let me take the first, Exhibit 4 from the fire marshal, June 12, 2002, that they are in support of this application, provided that the applicant meets requirements of the D.C. Building Code for the proposed use group, child development center, and -- which one do you have?

VICE CHAIRPERSON RENSHAW: Fire Protection Division of DCRA. There is a checklist.

CHAIRPERSON GRIFFIS: Excellent.

VICE CHAIRPERSON RENSHAW: And it is circled approved and dated 6/7/02.

CHAIRPERSON GRIFFIS: Right. And this

form actually is for the permit work/occupancy approval form.

VICE CHAIRPERSON RENSHAW: Yes. And signed by the fire inspector, but it's anyone's guess who that is.

CHAIRPERSON GRIFFIS: Indeed.

(Laughter.)

Not a bad looking signature, though. I have no idea.

Okay. Do we have other government reports? In which case let's move on. And are there -- can I just see -- are there others here to testify for this attendant -- okay.

DEACON BURNS: I note for the record our pastor is here.

CHAIRPERSON GRIFFIS: Okay.

DEACON BURNS: So if you have any questions.

CHAIRPERSON GRIFFIS: Good. Ms. Renshaw is just pointing out also -- and let's just take note of it -- it is in the Office of Planning report, Exhibit Number 6, which was the Licensing Regulation Administration of the Department of Health. And it looks like that this is the pre-inspection survey.

This survey is probably what established

the 29 children, and they have several other things that are akin to their responsibility and jurisdiction.

Okay. With that, then, let me call anyone that's going to give testimony today up to the table, and we can proceed with that.

I'll just have you turn off your mike when his goes on. Good.

MR. TOLSON: Hi. Good morning.

CHAIRPERSON GRIFFIS: Good morning.

MR. TOLSON: My name is Antonio Tolson, and I live at 4256 Meade Street, N.E., Washington, D.C. 20019. And I originally came down in opposition. However, it was in opposition of the satellite property --

CHAIRPERSON GRIFFIS: Yes.

MR. TOLSON: -- that they had, and it seems like they've withdrawn it. So I really don't need to actually get into the opposition, you know, part of it. However, I would like to state as a proponent that the center is a worthwhile endeavor that the church is doing.

And I believe there is a safety issue at the corner of 44th and -- what is that cross street where the school is? 44th and -- I think it's Nash.

You need a stop sign there, because it can be a danger to kids, danger to adults, and danger to cars crossing at that stop sign that's at 44th.

CHAIRPERSON GRIFFIS: There's no --

MR. TOLSON: There's no -- it's not -- it needs to be a four-way stop sign there.

CHAIRPERSON GRIFFIS: Indeed.

MR. TOLSON: Yes.

CHAIRPERSON GRIFFIS: Okay.

MR. TOLSON: And it should be one actually on the other end of the school, too.

CHAIRPERSON GRIFFIS: Okay.

MR. TOLSON: On the other end of the Kennilworth Avenue school.

MEMBER ZAIDAIN: So what is it now?

MR. TOLSON: The stop sign -- stop signs are located on 44th Street, but you need a four-way stop sign there, because what happens is people come off of the Kennilworth Avenue service lane --

MEMBER ZAIDAIN: Right.

MR. TOLSON: -- and they come down Nash, and they come down Nash --

CHAIRPERSON GRIFFIS: At 55 miles an hour.

MR. TOLSON: Yes, exactly.

MEMBER ZAIDAIN: Well, I'm just asking --

MR. TOLSON: They need to stop.

MEMBER ZAIDAIN: -- what is the current situation?

MR. TOLSON: The current situation, there is no stop sign on Nash Street. You just need to set a stop sign --

CHAIRPERSON GRIFFIS: Nash is the right of way.

MEMBER ZAIDAIN: Oh, okay, I see.

MR. TOLSON: And it's dangerous because when teachers are there they're parked all the way to the corners just about, and you have to -- if you're in a car, you have to kind of ease your way out the entryway out. If you're a kid, you can easily get hit.

CHAIRPERSON GRIFFIS: Right.

MR. TOLSON: Very easily.

CHAIRPERSON GRIFFIS: Now, is there a stop sign coming north on 44th Street?

MR. TOLSON: Yes.

CHAIRPERSON GRIFFIS: Okay. So 44th stops. Nash does not.

MR. TOLSON: No, Nash does not.

CHAIRPERSON GRIFFIS: And your concern is --

MR. TOLSON: Another set of stop signs would --

CHAIRPERSON GRIFFIS: Your concern in terms of this application --

MR. TOLSON: Oh, yes.

CHAIRPERSON GRIFFIS: -- is that it's -- as testified, the children will be crossing that street.

MR. TOLSON: Yes.

CHAIRPERSON GRIFFIS: Is that correct?

MR. TOLSON: Yes.

CHAIRPERSON GRIFFIS: Okay.

DEACON BURNS: Yes. That's why we have to have two additional people go down there. It's really a burden, because, like he said, if you don't stop -- have somebody standing there like this, they just come up and keep going.

CHAIRPERSON GRIFFIS: Okay. Very good. All right. Just to get total clarification, then, Mr. Tolson -- and we appreciate -- and you actually have submitted a written statement, Exhibit Number 28, that dealt primarily with the satellite parcel.

MR. TOLSON: Precisely.

CHAIRPERSON GRIFFIS: At this time, then, are you in opposition of the current application?

MR. TOLSON: Since the satellite thing was withdrawn, I'm now a proponent. But that was the only opposition I had was the satellite property.

CHAIRPERSON GRIFFIS: Okay. Good. Now, speaking about the Nash/44th intersection, although this Board loves to take as much -- how do I say that -- we like to have as much power as we can possible garner.

(Laughter.)

MR. TOLSON: Okay.

CHAIRPERSON GRIFFIS: We have absolutely no jurisdiction over putting stop signs. However, I think what we can do in terms of facilitating that process is actually send a letter from this Board to Department of Transportation to look into that, and that is specifically to -- first of all, the use -- the existing use in that area and the existing traffic condition, I would ask you to do on your part -- and I would ask the applicant to do on this part -- we're kind of stepping out of the bounds of the specific application here, but it's important to do -- I would ask you both to also write the Department of Transportation, also write your Council member, and also write your ANC.

And, obviously, it's one letter that can

be copied to all of those. And if -- I think if we have that force coming together, I think two stop signs probably would not be that hard to get out there on that corner.

MR. TOLSON: Okay. Yes. I don't know. For some reason, the principal of the school, you know, it's been years -- at least two -- that I've asked about that, and he seems like he's -- he claims his hands are tied, he's made calls, this and that and the other, and he had the PTA do something. But apparently no stop signs.

So, you know, I figured since I had this opportunity I'd throw this out.

CHAIRPERSON GRIFFIS: I think it's a great thing. And there's no reason why the striping of that pedestrian crossing can't be done also, and I think this administration is doing great strides in protecting pedestrians on streets.

So it's clearly within their interest and what they're focusing on. So bringing a light to this intersection is important.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, I would also suggest that a copy of the letter go to your police precinct.

CHAIRPERSON GRIFFIS: Indeed.

VICE CHAIRPERSON RENSHAW: And in the letter a note to the police precinct. You might ask for crossing guards at the appropriate time during the school year or whenever you feel it's necessary to have this protection.

MR. TOLSON: Oh, yes, on that corner.

CHAIRPERSON GRIFFIS: Okay. Good.

Well, we can call that our good deed of the day, then, and we can move on with this specific application.

I would -- is there anyone else testifying today, either in favor or in opposition? Not seeing anyone come to the table -- yes, Mr. Etherly?

MEMBER ETHERLY: Mr. Chair, just, once again, to echo some positive comments that were made about the Office of Planning report -- very detailed. Note that Exhibit Number 7 is a petition that was submitted by Zion Baptist Church with a number of residents from Eastland Gardens who are in support of the application. So I just wanted to note that for the record.

And as was also mentioned by the Office of Planning, Reverend Cunningham, who is an adjacent property owner, is also included as a signature on that petition.

CHAIRPERSON GRIFFIS: Good. Excellent points. And we do appreciate that submission.

Let me ask the applicant just to walk us through, again, where parents would drop off children. It's my understanding it would be on the 44th Street side. Is that correct?

DEACON BURNS: Yes. There are two entrances to the center. Most of them come down 44th and come in the alley beside the church.

CHAIRPERSON GRIFFIS: Oh, I see.

DEACON BURNS: And drop off at that door.

CHAIRPERSON GRIFFIS: They're able to pull off the street and actually -- and then they exit -- how do -- do they exit out onto --

DEACON BURNS: They exit onto the service lane of Kennilworth.

CHAIRPERSON GRIFFIS: Indeed. Indeed. So they can pull straight through that site.

DEACON BURNS: Yes.

CHAIRPERSON GRIFFIS: I see. That's very clear. In fact, that makes it very clear in terms of, one, the stretch of 44th Street available, and that there are not other houses on that street because it's -- the majority is occupying that street frontage by the church, and this facility. But that is also a

very important point.

DEACON BURNS: And then, we put the handicap --

CHAIRPERSON GRIFFIS: Yes.

DEACON BURNS: -- those parents who are handicapped --

CHAIRPERSON GRIFFIS: Yes.

DEACON BURNS: -- they'd use the 44th Street side because we have the handicap ramp for them to negotiate.

CHAIRPERSON GRIFFIS: Excellent. Okay.

Board members, other questions of the applicant at this time? In which case I will give you an opportunity for any closing remarks, and have Reverend Brooks speak if -- I'm assuming that -- if he wants to avail himself. No requirements, no pressure.

DEACON BURNS: We want to thank the Board for this opportunity to come, and we certainly appreciate Zoning for moving us up on the agenda, because we know that that didn't have to happen. And we really, as a community and as a church, appreciate the consideration that you gave.

Everybody down here has been wonderful. They would call me and tell me, "You've got to do this. You've didn't do this." It's just a wonderful

experience of government working with us.

And we pray that your decision will be as quickly as possible, because those inspectors have seen -- that are waiting -- those other inspectors, they are waiting for me to say, "Come on." And that was dependent upon you, because they also realized the urgency of what we have, so we appreciate everything that you've done.

Yield to the pastor.

REVEREND BROOKS: Thank you for the opportunity to speak. I came down for moral support initially, but this is a vision that has had -- has had its roots 94 years, even before now. We are a church that is 94 years old, and one of the stalwart pastors in this area, one whose name, you know, still, you know, will bring tears to people's eyes because of the power that he brought, the Reverend Leon C. Collins, who the center is -- has been named after, his -- his vision was to see children have the opportunity to be raised in a Christian way.

And with all that is going on, I'm not going to preach, but what I will say is that since we do have prayer outside the school, we are going to do everything that we can to raise the children up in the way that they should go.

And I thank you for all that you're doing. I thank you for the opportunity to be heard. And we plan on being a beacon in Eastland Gardens and far beyond that community also.

Deacon Burns and Trustee -- the head of our Trustee Board that is also here, Audrey Dempsey, they have been integral in seeing these things come to pass. And we thank you for moving us up on the agenda also.

With school being out, it's important for the children to have somewhere to go and to learn and to be nurtured. If you had seen them this morning, just when we left the church and you saw, you know, the fervor that they had, and, you know, just the enjoyment of coming out to the church and learning and, you know, having people spend time with them, when often in the community that is not the case. They are seen almost as a side dish, but we treat them as a main course at the Zion Baptist Church.

So we thank you, once again, for all that you have done, and we pray that this relationship will continue far beyond this day.

Thank you very much.

CHAIRPERSON GRIFFIS: Good. Thank you very much, and we do appreciate it. And we appreciate

your complimentary comments also regarding the staff, which is, as this Board knows, very able. And, in fact, we are often overwhelmed with the good work that they have done, so I'm glad that it is a good experience, has been a good experience for you.

It is not often stated that you've had a pleasurable and enjoyable experience working through District Government, so we're happy to have that happen.

And, Reverend, we're happy to have you here, too, and appreciate your words.

And an interesting description, as we get close to lunch, with side dishes and main dishes. So let's move this on.

(Laughter.)

Any last comments/questions of the applicant? Board prepared to proceed today? In which case I would move approval of Application 16888 for the special exception for a child development center for 29 children, ages six to 12, and up to five staff under Section 205, and the special exception to allow the accessory parking space located elsewhere at the adjacent premises of the church under -- as laid out under Section 214. And these are attendant to the premises at 1219 44th Street, N.E.

MEMBER ETHERLY: I'll second that, Mr. Chairman.

CHAIRPERSON GRIFFIS: Thank you, Mr. Etherly.

I would actually -- let me quickly amend my motion, and I would adopt the conditions as outlined by the Office of Planning. I don't find them by any means overburdening. The applicant has had time to respond to those, and it seems directly in accordance with their own program and projection, and I think it brings and leads to some clarification from our part and also the applicant's part.

So if that's not objectionable, Mr. Etherly --

MEMBER ETHERLY: So seconded.

CHAIRPERSON GRIFFIS: Good. Thank you.

Speaking quickly to the motion, I think we have walked through, clearly, the entire Section 205, which is most important, I believe, in terms of the special exception and that is obviously making this a viable, usable, and non-disruptive facility. And the most important things for this Board in the past, and in this specific application, clearly, is how drop off of children will be safely accommodated.

That has been clearly stated as actually

being provided for onsite, getting people off the roads, and, as indicated, the amount of street frontage that the two properties take up on 44th Street give ample street presence in order for additional temporary parking, if need be, but also for drop-offs.

The playground area has been also discussed, and I think appropriately so. I don't see the need for the Board to further condition any sort of designing or screening or any sort of layout. I think it has been adequately established in the existing conditions, and we'll take comments on the motion, further, from other Board members.

Okay. I think, then, let us -- let me ask for all those in favor, signify by saying aye.

(Chorus of ayes.)

And opposed?

(No response.)

Good. And it is my understanding -- let me ask you, are you requesting a summary order today?

DEACON BURNS: Yes, sir.

CHAIRPERSON GRIFFIS: Indeed. Had to ask, but I thought it might be so. In which case I don't see, unless Board members object, any difficulty in doing a summary order at this time.

So why don't we have staff record the vote.

MS. BAILEY: The vote is recorded as five-zero-zero to approve the application, with the conditions that are contained in the Office of Planning's report. And the motion was made by Mr. Griffis, Mr. Etherly second, Mrs. Renshaw and Mr. Zaidain and Mr. Hannaham in agreement.

And I just wanted to remind the applicant, Mr. Chairman, that they need to come back in six years for the first child development center, and in three years for this child development center. And that's it.

CHAIRPERSON GRIFFIS: Good. Thank you all very much for being here, and good luck. Have a great summer.

And with that, I will adjourn the morning session of 25 June 2002.

(Whereupon, at 11:38 a.m., the proceedings in the foregoing matter were adjourned.)