

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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MORNING PUBLIC HEARING

+ + + + +

TUESDAY

OCTOBER 10, 2006

+ + + + +

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:

GEOFFREY H. GRIFFIS Chairperson
RUTHANNE G. MILLER Vice-Chairperson
CURTIS L. ETHERLY, JR. Board Member
JOHN A. MANN, II Board Member
 (NCPC)

ZONING COMMISSION MEMBER PRESENT:

GREGORY JEFFRIES Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY Secretary
BEVERLEY BAILEY Sr. Zoning Specialist
JOHN NYARKU Zoning Specialist
ESTHER BUSHMAN General Counsel

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEVE COCHRAN
MATT JESSICK

The transcript constitutes the minutes from the Public Hearing held on October 10, 2006.

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

(10:01 a.m.)

CHAIRMAN GRIFFIS: Very well.

Let me call to order our 10th of October 2006 morning hearing of the Board of Zoning Adjustment of the District Columbia. My name is Geoff Griffis.

Joining me today is the Vice Chair, Ms. Miller and Mr. Etherly.

Representing the National Capital Planning Commission is Mr. Mann and representing the Zoning Commission with us today is Mr. Jeffries.

Copies of today's hearing agenda are available for you. They are located on the table where you entered into the hearing room. You can pick it up and see where you are in our chronology this morning. We appreciate your attention as we get started in the morning session. And there are several very important things that I need to go through in my opening remarks.

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1 First, you should be aware that
2 all proceedings before the Board of Zoning
3 Adjustment are recorded. They are recorded
4 in two fashions.

5 One, the Court Reporter sitting
6 on the floor to my right is creating the
7 official transcript. And, two, you'll see
8 there are camera all around this room. We
9 are being broadcast on the Office of
10 Zoning's website. No need to be concerned
11 with either one of them. However, you
12 should be aware that there are several
13 things that need to happen.

14 Prior to coming forward to speak
15 to the Board, if you're anticipating
16 presenting testimony, I would ask that you
17 fill out two witness cards. Witness cards
18 are available at the table where you entered
19 and they are also available on the table in
20 front, yes, indeed, where you will provide
21 your testimony.

22 Those two cards go to the Court

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1 Reporter prior to coming forward.

2 Obviously, that is so that we can spell your
3 name correctly on the transcript. And then
4 it gets sealed into the law books forever
5 and ever. So, make sure that we have that
6 correct.

7 When coming forward, you're going
8 to just sit and make yourself comfortable.
9 You're going to state your name and address
10 for the record. You only need to do this
11 one. Of course, that then connects you with
12 the visual image and the transcript and all
13 that will be sealed.

14 The order of procedure today and
15 all days for special exception appearances
16 is as follows. First, we hear from the
17 Applicant. Presentation of your facts, your
18 case.

19 Secondly, we will hear from any
20 Government reports attendant to the
21 application. If the Office of Planning or
22 the Department of Transportation has put in

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1 an analysis, they will be here to present it
2 or we will make sure that it is presented
3 and addressed.

4 Third, we will hear from the
5 Advisory Neighborhood Commission within
6 which the property is located.

7 Fourth, we will call forward the
8 persons or parties in support of the
9 application to hear their testimony and/or
10 case presentation.

11 Fifth, we'll hear from persons or
12 parties in opposition to any application
13 before us today.

14 Sixth and lastly, we will return
15 back to the Applicant and ask them to
16 provide any rebuttal witnesses, summations,
17 additional testimony as they see required.
18 And then we will close the case.

19 It is very important to
20 understand a couple of things and all of
21 that as we get through our hearings.

22 First of all, cross examination

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1 of witnesses is permitted by parties,
2 Applicant in the case. We will establish
3 parties in the case so you will know exactly
4 who is a party and who is just a person.

5 Parties, of course, would then be
6 able to cross examine all witnesses. The
7 ANC within which the property is located is
8 automatically a party and, therefore, would
9 be able to conduct cross examination.

10 There's a whole section in our
11 regulation that goes to cross examination.
12 The rules, regulations and I'm not going to
13 take our time today right now to go through
14 that. However, you should know that I have
15 all the jurisdiction to restrict cross
16 examination time, direction, material and I
17 will deal with that in specifics as we get
18 into any case as is required.

19 It is important for everyone here
20 to know that the record will be closed at
21 the conclusion of the hearing on a case. And
22 why is this important? It is very important

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1 to understand that the Board is assembling
2 an official record. The only thing that we
3 can base our decision on is that record.
4 Therefore, we will ask you to present all
5 the information today, either in written
6 form or in oral presentation. If we feel
7 that there is additional information that we
8 require, we will make sure that you know
9 that and we will give you a scheduling date
10 of submitting that in.

11 After all of that is submitted
12 into the Office of Zoning, the record is
13 sealed. It's closed. So, it should be
14 known that if we don't keep the record open
15 after your hearing today, then the record
16 will be closed. No other information is
17 accepted into the record. No other
18 information would be the basis of our
19 decision.

20 The Sunshine Act does require
21 that this Board conduct its hearings in the
22 open and before the public. Our entire

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1 record as assembled is done in the open
2 public forum.

3 We do enter into Executive
4 Sessions both during and after hearings on
5 cases. And the Board uses these Executive
6 Sessions in order to review facts in the
7 case, assemble the documents in the record
8 and at times deliberate limitedly on a case.

9 We do then enter into our public
10 process of deliberation in our meeting and
11 you will rehear all that which we do in
12 Executive Session. That whole entire
13 process is, of course, in accordance with
14 our rules, regulations and procedures. It
15 is also in accordance with the Sunshine Act.

16 As I have said the decision of
17 this Board must be based exclusively on the
18 record that's created here before us in the
19 open in public. So, we also ask that people
20 present in any sort of recess or after a
21 hearing on a case, please do not engage
22 Board members in private conversation during

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1 the hearing session today. Obviously, that
2 will give an impression that we could, in
3 fact, may have, possibly, received
4 information outside of the public record.
5 We certainly want to avoid that.

6 That being said, let me say a
7 very good morning to Ms. Bailey, who is with
8 the Office of Zoning with us today. Mr. Moy
9 also with the Office of Zoning. He's
10 running in and out.

11 I'm going to ask that anyone here
12 present today that is anticipating or will
13 be providing testimony to the Board, if you
14 would please stand and give your attention
15 to Ms. Bailey. She's going to swear you in.

16 MS. BAILEY: Would you please
17 raise your right hand?

18 Do you solemnly swear or affirm
19 that the testimony that you will be giving
20 today will be the truth, the whole truth and
21 nothing but the truth?

22 CHAIRMAN GRIFFIS: Excellent.

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1 Thank you all very much.

2 That being said, we can move on
3 to preliminary matters.

4 The preliminary matters must be
5 related to whether a case will or should be
6 heard today. Request for a postponement,
7 withdrawal with an adequate notice has been
8 provided. These are elements of preliminary
9 matters.

10 If you are not prepared to go
11 forward with a case today or you believe
12 there is a case on our schedule that should
13 not proceed today, I would ask that you come
14 forward and have a seat in front of us. If
15 there is any indication of having a
16 preliminary matter, we'll take that up at
17 this time.

18 Ms. Bailey, I'll ask you if
19 you're aware of any preliminary matters
20 outside of the second case, Request for a
21 Postponement, 17521?

22 MS. BAILEY: Mr. Chairman,

1 members of the Board, to everyone, good
2 morning.

3 CHAIRMAN GRIFFIS: Good morning.

4 MS. BAILEY: The staff has none
5 at this point, sir.

6 CHAIRMAN GRIFFIS: Excellent.
7 Thank you very much.

8 We seem to be getting some
9 feedback on her mike. Okay.

10 Good morning, sir.

11 MR. FREEMAN: Good morning. My
12 name is Kyrus Freeman. I'm here on behalf
13 fo the Applicant in Case No. 17521.

14 As the Board is aware, we
15 recently filed a request for a postponement,
16 which is identified in Exhibit Number 52 of
17 the record.

18 CHAIRMAN GRIFFIS: Right.

19 MR. FREEMAN: We requested that
20 postponement or continuance to a date
21 certain in November in order to address some
22 of the community concerns that have been

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1 raised since we filed the application.

2 CHAIRMAN GRIFFIS: Sure.

3 MR. FREEMAN: As you're see a lot
4 of other people have requested a continuance
5 on this case and we've agreed to that
6 continuance.

7 CHAIRMAN GRIFFIS: Right. In
8 regards to Application 17521, is the ANC 6C
9 present? Is there a representative from 6C?
10 How about 6A?

11 Is there any representatives from
12 the Stanton Park Neighborhood Association?
13 Indeed. Thank you.

14 And also is there a
15 representative from the 6th and H
16 Neighborhood Association? Excellent.
17 Perfect.

18 What I'd like to do is -- well,
19 let me hear from the Board members.

20 Two choices. What I want to do
21 is, I don't think that the Board has any
22 concern with the request to moving this to a

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1 new date. We need to make sure we can fit
2 you in the schedule. However, I would like
3 to set a party status in this so that we can
4 continue it next time when we reconvene. We
5 will have that already set.

6 So, what I'm actually
7 anticipating is getting through the first
8 case in the morning and then calling you
9 back to this and establishing party status
10 if that's not too difficult to do. I don't
11 anticipate the first case is going to take
12 us very long.

13 MR. FREEMAN: We would be
14 inclined to do the request for party status
15 in November. I know that we exploring
16 whether or not we are agreeable to all of
17 the requests, for example, ANC 6A. And we
18 would want to present testimony on that. We
19 assumed we would be doing that in November.

20 CHAIRMAN GRIFFIS: I see.

21 MR. FREEMAN: Or at whatever date
22 the case was continued to.

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1 CHAIRMAN GRIFFIS: I see. Okay.
2 Questions on that right away?

3 VICE CHAIRPERSON MILLER: Well, I
4 just would comment that the ANCs don't
5 appear to be here, is that correct, which is
6 their problem with respect to party status
7 and with respect to the ANC requesting it?

8 CHAIRMAN GRIFFIS: Right. The
9 ANC outside of the property's location.
10 Right.

11 VICE CHAIRPERSON MILLER: But
12 perhaps in the meantime if we don't do that,
13 that the Applicant serve all relevant
14 papers on those maybe that have requested
15 party status. All those members of the
16 community that are involved in the case.
17 Maybe we can hear from the other two party
18 status applicants?

19 CHAIRMAN GRIFFIS: Anyone in
20 agreement with Ms. Miller that we do this
21 now and not the first case?

22 VICE CHAIRPERSON MILLER: I'm

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1 not saying --

2 CHAIRMAN GRIFFIS: Well, let's
3 get them up here.

4 VICE CHAIRPERSON MILLER: Okay.

5 CHAIRMAN GRIFFIS: Let's do. I
6 think it is a great concern. Obviously, we
7 don't have 6A present.

8 The property is located in ANC
9 6C, which obviously is automatically a party
10 in the case.

11 We're going to need to call this
12 case if we do establish party status. So, I
13 want to have just quick discussion on
14 whether we should proceed with that. I'm
15 not sure if you were -- let's hear from both
16 of you. You can introduce yourselves for
17 the record and then hear if you were
18 prepared to discuss the party status today.

19 MR. EDWARDS: My name is Monty
20 Edwards. I am co-chair of the Land-Use
21 Committee of the Stanton Park Neighborhood
22 Association. I reside at 330 E Street, NE.

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1 CHAIRMAN GRIFFIS: Excellent.

2 Thank you.

3 MR. EDWARDS: We understand that
4 based on the letter that the Applicant sent
5 out on October the 4th, the ANC 6A and 6C
6 determined they did not have to be here
7 today. The representative from 6A, as a
8 matter of fact, which is the adjacent ANC,
9 is in North Caroline today. And he has
10 filed a motion not only for party status but
11 also to have the case specially set because
12 of the unique issues involved in this case.
13 And would like to be able to be heard on
14 party status preferably in November or
15 whenever the case is set.

16 CHAIRMAN GRIFFIS: I see. And
17 your position set in party, you would also
18 request the postponement and partake of the
19 party status at that time?

20 MR. EDWARDS: I think we would.

21 Yes.

22 CHAIRMAN GRIFFIS: Okay.

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1 MR. AXAM: Good morning. Hilary
2 Axam, A-X-A-M. 616 G Street, NE, and I'm
3 here on behalf of the 6th and H Street
4 Neighborhood Association. We are the
5 residents within 200 feet of the Applicant's
6 present property. And we are prepared to
7 obviously support our own application for
8 party status today, but as Mr. Edwards
9 stated, the ANC 6A in their filing did state
10 some very sound reasons why they have a
11 strong interest in this matter and reasons
12 for party status. And they did not appear
13 today in reliance on the representation of
14 the Applicant that this be postponed. So,
15 it maybe a better opportunity to fully
16 address the party status issue.

17 CHAIRMAN GRIFFIS: What about
18 yours though?

19 MR. AXAM: We filed ours. We're
20 all within --

21 CHAIRMAN GRIFFIS: I understand
22 that. No. This is just procedural. No one

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1 is questioning the substance of all this
2 request.

3 But what's your position in terms
4 -- would you -- are you holding the
5 position that you want to postpone this
6 entirely so that your party status also at
7 some date in the 2010?

8 MR. AXAM: We have no objection
9 to doing party status whenever the next date
10 is.

11 CHAIRMAN GRIFFIS: Okay. It
12 seems to make some sense. And everyone is
13 in accordance with that.

14 Is there anyone else here that
15 believes they are a participant in 17521?
16 This is the application 601-645 H Street
17 Ventures LLC? Okay.

18 MR. EDWARDS: Mr. Chairman?

19 CHAIRMAN GRIFFIS: Yes.

20 MR. EDWARDS: I would state that
21 Capitol Hill Restoration Society will
22 participate through Stanton Park's RD

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1 status.

2 CHAIRMAN GRIFFIS: Excellent.

3 Excellent. We appreciate that.

4 Okay. I think we'll use the time
5 that you guys now have -- well, having you
6 before us a couple of directions.

7 First of all, we're going to need
8 submitted into -- well, let me step back a
9 little bit. Unless any Board member has any
10 opposition, I think we will move ahead with
11 that which is being proposed to us. We'll
12 set a date and then when we call to set
13 party at that time.

14 So attendant to that, however,
15 two things.

16 First, I'd like to request that all of
17 you in putting anything into the record that
18 you serve everyone else, so that we don't
19 come back in November, if it's a November
20 date, and everyone is wondering why they
21 didn't get something or didn't or whatever
22 it is. We don't need that kind of

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1 discussion.

2 So, let's all be civil and get it
3 to us. Or at least give notice that you put
4 it into the record.

5 One of the critical pieces that
6 we need put into the record is the design
7 guidelines. H Street design guidelines.
8 Does the Applicant has those?

9 MR. FREEMAN: Yes. We do. And
10 we will make sure we file them.

11 CHAIRMAN GRIFFIS: Okay. Would
12 you mind? That would be tremendous or you
13 can give reference to it.

14 You're not the OP person on this
15 correct? Okay. Very well.

16 There was something else very
17 critical I was going to say.

18 Yes, indeed. There is some in
19 the party status request, there are
20 obviously some details and unique aspects to
21 this that each are proposing or have
22 purported to have unique aspects.

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1 What I would also like you to do
2 is talk to the ANC members and see how you
3 might form or is it advantageous for you to
4 form one or several parties to request in
5 order to maintain the case presentation on
6 the relevant element? The critical one I
7 see being fairly redundant in some of these
8 is the overview and the protection of -- and
9 the implementation of the overlay.

10 If we end up coming into and we
11 look at the party status and the discussion
12 is that everyone kind of here to protect
13 that, then it diminishes, as I'm sure you're
14 aware of hearing us say before. It
15 diminishes the unique impact that each of
16 the separate party status requests are
17 making.

18 But more importantly, I think
19 more succinctly, it diminishes the impact of
20 the case presentation. So, as much as we
21 can use the efficiency of time and the
22 efficiency of presentation, I think the

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1 better.

2 And I'll take questions. Yes?

3 MR. EDWARDS: Mr. Chairman,
4 you've obviously looked into this in some
5 detail. But let me just emphasize.

6 CHAIRMAN GRIFFIS: Lived it too
7 many times.

8 MR. EDWARDS: This is the very
9 first time --

10 CHAIRMAN GRIFFIS: Sure, sure.

11 MR. EDWARDS: -- this overlay or
12 these guidelines have ever been applied to a
13 case.

14 CHAIRMAN GRIFFIS: Right.

15 MR. EDWARDS: This is the first
16 time the BZA has been asked to look at
17 design considerations.

18 CHAIRMAN GRIFFIS: Right.

19 MR. EDWARDS: We have them here
20 because almost every other neighborhood
21 overlay is located in a pre-existing
22 historic district.

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1 CHAIRMAN GRIFFIS: Right.

2 MR. EDWARDS: And they have
3 historic preservation guidelines that are
4 applied by HPRD.

5 CHAIRMAN GRIFFIS: Sure. Sure.

6 MR. EDWARDS: We have the
7 guidelines here that were, they were, by the
8 way the initial draft of the H Street
9 overlay was drafted by Stanton Park
10 Neighborhood Association. We've had a
11 continuing interest in the evolution of this
12 --

13 CHAIRMAN GRIFFIS: Excellent.

14 MR. EDWARDS: -- and how it's
15 applied in this case is going to provide the
16 template on how these guidelines and this
17 overlay is applied for the entire mile and a
18 half corridor of the re-development of H
19 Street.

20 CHAIRMAN GRIFFIS: Correct.

21 MR. EDWARDS: Therefore, while we
22 have talked to parties about how to

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1 coordinate. In other words, the 600 H
2 Street group. Their focus is primarily on
3 issues that effect them directly. Parking,
4 appearance, whereas -- and not that they are
5 not interested. The Stanford Park
6 Neighborhood Association is interested in
7 how these guidelines are applied so they can
8 be used as the template for future
9 development along H Street to guide it in
10 the proper light.

11 For that reason, CHR, Capitol
12 Hill Restoration Society, recognizes the
13 problem of duplicity in terms of
14 presentations and we have already agreed
15 that they will participate through Stanton
16 Park --

17 CHAIRMAN GRIFFIS: Right.

18 MR. EDWARDS: -- but while
19 Stanton Park will advocate party status. We
20 will also advocate party status for the 600
21 H Street Neighborhood Association because
22 they're interests are more specific --

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1 CHAIRMAN GRIFFIS: I understand
2 that. And we'll get into that detail. And
3 I don't disagree with anything that you've
4 said. And the Board is very well aware of
5 the overlay nature and the impact of this as
6 all applications before us. My only point
7 is procedurally that your points that you've
8 just made are excellent. I don't need them
9 said three times.

10 So, that's what I want to avoid because the
11 regulations will not allow that to happen.

12 So, I don't want to raise expectations that
13 everyone is coming in to make the same case
14 because they want to be the person to make
15 it, rather make it once and make it very
16 persuasive. And then we can have subsequent
17 cross and the same with the Applicant.

18 So, I'll leave that to you. I'm
19 being very general in my direction and not
20 specific by any means.

21 MS. MONROE: Mr. Chairman, can I
22 just --

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1 CHAIRMAN GRIFFIS: Yes.

2 MS. MONROE: A clarification
3 question to make sure everybody knows.

4 CHAIRMAN GRIFFIS: Ms. Monroe
5 from the Office of the Attorney General.

6 MS. MONROE: You said that you
7 wanted anything that was filed to be served
8 on everybody else. And I'm assuming you
9 mean those who filed for party status --

10 CHAIRMAN GRIFFIS: That's right.

11 MS. MONROE: -- not everybody in
12 the record?

13 CHAIRMAN GRIFFIS: That's right.

14 MS. MONROE: Just to be sure.
15 Just people --

16 CHAIRMAN GRIFFIS: Yes.

17 MS. MONROE: And also if those
18 who have filed for party status have any
19 responses or anything, they should also be
20 served on everybody else whose -- I mean,
21 you're treating them as if they're parties,
22 which is okay. But that has to be clear.

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1 You guys need to basically send to all the
2 other people who have filed and the
3 Applicant anything you have to say too.

4 CHAIRMAN GRIFFIS: Right.

5 MS. MONROE: It's got to be two-
6 way dialogue.

7 CHAIRMAN GRIFFIS: Right.

8 MS. MONROE: Among everybody who
9 has requested party status.

10 CHAIRMAN GRIFFIS: Excellent
11 point.

12 I am not anticipating that
13 there's a lot of filings about to happen
14 though. In fact, when we've asked for the
15 design guidelines, the only reason why I'm
16 asking is someone can officially put it in
17 the record and we all have the same copy,
18 even if it's just the site -- I'm not asking
19 for responses or additional case
20 presentation based on those, unless that's
21 what's naturally being prepared for for that
22 case.

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1 I mean, you should be ready to go
2 today, the bottom line is what it comes down
3 to.

4 So, anyway, yes. Serve it all
5 around, but I'm not anticipating that
6 there's a lot coming, unless you guys know
7 something I don't.

8 Go ahead.

9 MR. FREEMAN: We are in the
10 process of working with the community to
11 resolve the design issues associated with
12 the exterior of the building.

13 CHAIRMAN GRIFFIS: The
14 application might change.

15 MR. FREEMAN: So, the design of
16 the building may change.

17 CHAIRMAN GRIFFIS: Okay. Okay.

18 MR. FREEMAN: But we will --

19 CHAIRMAN GRIFFIS: And that, you
20 know, that would be appropriate. Then
21 that's fine.

22 Okay. It's a lot. Okay.

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1 Anything else? Procedure questions at this
2 point?

3 Let's go to the schedule.

4 VICE CHAIRPERSON MILLER: I just
5 want to make a comment on the party status
6 applicants.

7 Since you have this time before
8 the next hearing, I just want to bring your
9 attention to 3117.4, which can put time
10 limitations on parties in opposition or
11 support, except for ANCs. And talks about
12 the parties working collectively. So, even
13 if you're one party or different parties,
14 it's to your benefit to use this time to
15 coordinate as to what aspects of the case
16 you might be interested in so that you do
17 that efficiently. And as the Chair says, so
18 we can avoid duplication.

19 So, that's helpful with respect
20 to determining party status as well as with
21 respect to efficiently conducting the case.

22 CHAIRMAN GRIFFIS: You guys don't

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1 have any summer vacation plans, do you?

2 Okay. All right.

3 My understanding is that we could
4 fit this in on the 21st of November. And
5 just so for your understanding and for
6 everyone's understanding, I think it's
7 important.

8 Our schedule is obviously -- not
9 obviously. Our schedule is published many
10 days in advance. And, in fact, it fills up
11 upwards to six months as applications are
12 coming in. Our November 21st is fully
13 published and fully scheduled. But what I'd
14 like to do is we're anticipating that some
15 of these cases in the morning may go fairly
16 quickly.

17 I want to start this as the last
18 case in the morning. And what I'm asking
19 is, the understanding that we will go into -
20 - we will go into the afternoon for this. I
21 would hope that we would finish this. Ms.
22 Miller has aptly said that we will set time

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1 on this so that we can all understand and
2 forecast this out. Hopefully we'll finish
3 and then we'll take a break of lunch and
4 then we'll do our afternoon session. Or
5 conceivably we might take a break and then
6 resume in the afternoon.

7 The third option is that we get
8 started on this. We realize it takes a
9 little bit more time than we have and we'd
10 set this for another day. Best case
11 scenario is we're finishing it in the
12 morning, taking a late lunch.

13 Is that clear to everybody?

14 Okay.

15 We're pretty certain that this
16 can be done in terms of the revisions in the
17 design plans and the discussion with
18 everybody involved by the 21st. Is that
19 correct?

20 MR. FREEMAN: Yes.

21 CHAIRMAN GRIFFIS: Okay. Very
22 well.

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1 Any concerns on the schedule
2 then? Time wise? Date?

3 MR. FREEMAN: With respect to the
4 H Street Overlay requirements, you want us
5 to file those today or --

6 CHAIRMAN GRIFFIS: Sure.

7 MR. FREEMAN: -- or two days in
8 advance?

9 CHAIRMAN GRIFFIS: No. Today
10 would be great.

11 MR. FREEMAN: Okay.

12 CHAIRMAN GRIFFIS: I mean as soon
13 as they are there.

14 MR. FREEMAN: Okay.

15 CHAIRMAN GRIFFIS: In fact, if
16 you have them now, we can make sure that you
17 can hand deliver it to everybody.

18 MR. FREEMAN: I don't have them
19 now.

20 CHAIRMAN GRIFFIS: Okay. Not a
21 problem. As soon as they come in would be
22 great. Okay.

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1 Anything else? Any other
2 procedural questions that I can answer?

3 MS. AXAM: Should the party
4 report at 9:30 then on the 21st?

5 CHAIRMAN GRIFFIS: No. I mean,
6 yes. But there's no way we're calling this
7 case at 9:30 in the morning.

8 The best case scenario to do is,
9 it depends how far away you are here is my
10 advice. Now, obviously, we're being
11 broadcast. You can see where we are on the
12 schedule. You could also call into the
13 office. I would think that it would be safe
14 enough to get here by 10:00/10:30. We have
15 three cases. We'll get through those. You
16 can see where we are on the cases.

17 Now, I say that with the total
18 understanding that everything changes the
19 morning of, you know. I mean, all of this
20 could top off whatever we have, so check it.
21 But immediately at 9:30 I don't think would
22 be the best use of the time. Okay.

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1 Anything else?

2 MR. EDWARDS: One thing.

3 CHAIRMAN GRIFFIS: Yes.

4 MR. EDWARDS: Chair Griffis. In
5 terms of the notice of this, the notice
6 specifies one variance and one special
7 exception.

8 As Stanton Park noted in our
9 statement of position, there is one -- at
10 least one variance, at least four special
11 exceptions, plus the design guidelines.
12 Stanton Park would suggest that
13 consideration be given to re-noticing this
14 since we have the time to do it.

15 CHAIRMAN GRIFFIS: Comment?

16 MR. FREEMAN: We are fine with
17 it.

18 CHAIRMAN GRIFFIS: So, you would
19 re-post it?

20 MR. FREEMAN: We will re-post and
21 send a revised notice to property owners
22 within 200 feet.

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1 CHAIRMAN GRIFFIS: Excellent.
2 We'll do that and then we'll do it 14 days
3 prior to the 21st then. I mean, at least.
4 Isn't that a requirement?

5 Go ahead.

6 MS. BAILEY: Mr. Chairman, the
7 property has already been posted and notice
8 sent and so forth. From now to when the
9 Board meets, that won't be 40 days. But
10 because the property has already been
11 posted, notices sent and so forth, I'm not
12 quite sure if it's necessary at this point
13 to meet that 40-day requirement.

14 CHAIRMAN GRIFFIS: I think that's
15 an excellent point. I don't think we're
16 asking them to meet the 40 day, but just to
17 get a schedule of when it would be
18 anticipated we could re-post it.

19 MS. BAILEY: As soon as possible.

20 CHAIRMAN GRIFFIS: Yes. I guess
21 that's true. I mean, if you just did that
22 now and then you just maintained the signs

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1 until the 21st.

2 MR. FREEMAN: Okay.

3 CHAIRMAN GRIFFIS: Okay.

4 Anything else?

5 Excellent. Very well. We'll see
6 you all on the 21st. As we've laid this out,
7 it will be the fourth case in the morning
8 that we'll start and we will start with
9 preliminary matters and that being the
10 establishing party status in this case.

11 Very well. Anything further?
12 We'll see you all then.

13 With that, Ms. Bailey, when
14 you're ready, why don't we call the next
15 case of the morning?

16 MS. BAILEY: Sure, sir.

17 The next case is Application No.
18 17517 of Charles B. Jackson, pursuant to 11
19 DCMR 3104.1 for a Special Exception to allow
20 the construction of a four-unit apartment
21 building under Section 353. The property is
22 zoned R5A and it's located at 4925 Call

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1 Place, SE, Square 5337, Lot 7.

2 CHAIRMAN GRIFFIS: Are we ready?

3 MR. AGBIM: Good morning.

4 CHAIRMAN GRIFFIS: If you would
5 just introduce yourself for the record when
6 you're ready.

7 MR. AGBIM: My name is Ike Agbim, 1300
8 Mercantile Lane, Largo, Maryland 20774.

9 CHAIRMAN GRIFFIS: Excellent.

10 Welcome back. Right?

11 MR. AGBIM: Thank you.

12 CHAIRMAN GRIFFIS: Indeed. Okay.

13 Would you like to summarize this
14 particular case?

15 MR. AGBIM: Yes. This is a
16 request for a special exception for
17 construction of a four-unit building. Four
18 condominiums, for sale condominiums in the
19 R5A District, 5337, Lot 7.

20 The subject property is on Call
21 Place between 50th Street and 49th Street in
22 Marshall Heights. It's rectangle in shape,

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1 40 foot by 100 foot. There is no public
2 alley access to the rear of the property.

3 The property is bound on the east
4 by vacant lots and on the west by a nine-
5 unit apartment building. Opposite the
6 street on Call Place are abandoned vacant
7 apartment buildings.

8 I'd like to mention, the proposal
9 is for a four-unit, four for sale
10 condominiums. The building is detached and
11 has a side yard on the east and west of nine
12 feet. Four parking spaces are provided in
13 the rear, accessible through are one cut, a
14 nine-foot driveway from Call Place.

15 All applicable provisions of
16 Chapter 410 are met. The owner intends to
17 divide the units as affordable condominiums.
18 We hope they are for the -- to contribute to
19 the District's Ward 7 Comprehensive Plans
20 for provision of affordable housing and
21 creating of home ownership.

22 We feel very strongly that the

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1 proposed development will be consistent with
2 the general intent on purpose of the zoning
3 regulations are met.

4 The site on the sides are all
5 zoned R5A and the current existing uses are
6 numerous apartments, a group home and
7 vacant, unimproved lots.

8 This proposal for a four-unit
9 condominium building will, therefore, be
10 consistent with all the existing uses as
11 shown on the -- with the existing zoning
12 regulations as shown on the zoning map.

13 One cup cut is provided along
14 Call Place for vehicle access into the
15 property. So, there is very minimal impact
16 of traffic on Call place.

17 Side yards are provided of nine
18 foot each as previously stated and the
19 building is fairly detached from adjacent
20 property.

21 Careful planning has resulted in
22 placement of lighting for the parking areas.

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1 For the areas around the side yards.

2 The design provides a minimum of
3 one-foot candle on grade, illuminance for
4 you, visual assets.

5 Also, to avoid lighting throw
6 back into neighboring properties, the light
7 fixtures are equipped with a 12 inch deep
8 metal shield, permanently affixed to the
9 housing of the lands.

10 We, therefore, feel that this
11 property if approved, this project if
12 approved, will not adversely affect the use
13 of the existing properties on this street.

14 Thank you.

15 CHAIRMAN GRIFFIS: Excellent.

16 Thank you very much.

17 And in your view and also in your
18 analysis in putting this application
19 together, do you comply with all the
20 provisions of Section 410?

21 MR. AGBIM: Yes, sir.

22 CHAIRMAN GRIFFIS: Excellent.

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1 Any questions from the Board?

2 No.

3 Follow-up? Very well. Let's go
4 to the Office of Planning.

5 MR. JESSICK: Thank you, Mr.
6 Chairman and members of the Board. My name
7 is Matt Jessick. I'm with the Office of
8 Planning.

9 I think the Applicant has done a
10 good job of describing the basics of the
11 project.

12 I would just like to say that we
13 reviewed this under Section 353 and the
14 criteria in that section include the
15 arrangement of the building on the property,
16 the provision of light and air, provision of
17 parking, recreational landscaping and the
18 condition of the grading on the site.

19 And unlike the previous case
20 which I'm sure the Board recalls in the same
21 neighborhood, grading on this site was not
22 an issue. The grading plan that the

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1 Applicant has prepared respects the natural
2 grade of the site, which is much more flat
3 than the previous site on B Street.

4 So, given that, we have no
5 outstanding issues with Section 353. The
6 Office of Planning recommends approval of
7 the Special Exception.

8 I'd be happy to take any
9 questions.

10 CHAIRMAN GRIFFIS: Thanks.

11 And in some of your remarks --
12 well, first of all, I absolutely concur with
13 Section 353 is what the review of -- the
14 reason why I actually asked for 410. It's
15 353 means it would be also in compliance
16 with all of 410, which -- and I understand
17 you're touching on all those aspects that
18 are actually pertinent to this application,
19 because that really goes to more of multiple
20 buildings and a larger lot. But go ahead.

21 MR. JESSICK: Oh, I was just
22 going to state that I believe Section 410 is

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1 no longer part of the zoning regulations. I
2 believe the Zoning Commission has stricken
3 that section.

4 CHAIRMAN GRIFFIS: I am -- rights
5 that I got here.

6 MR. JESSICK: Okay.

7 CHAIRMAN GRIFFIS: Excellent.

8 Let me ask, in your report you
9 brought up some of the issue of the
10 lighting. I'm trying to find it again
11 because I thought I highlighted it.

12 Yes. The Applicant also light --
13 the intent is to insure adequate lighting.
14 Lighting plan shows location of -- you said
15 that you're working with the Applicant to
16 further define lighting characteristics,
17 also examining whether pole mount lighting
18 is the best solution for the property.

19 MR. JESSICK: Yes. I think that
20 what the Applicant stated in his testimony
21 today kind of gets at what I was looking at.
22 I was, you know, just concerned about the

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1 amount of spillover lighting onto adjacent
2 properties. And I think what I heard the
3 Applicant say is that there would be a one-
4 foot candle illumination level at grade.
5 I'm certainly no lighting engineer, but I
6 think in my experience, that's a pretty low
7 level of light.

8 Also, the Applicant talked about
9 the shielded nature of the lighting. And
10 also on the spec sheet that the Applicant
11 has included in the plan. It seems to be a
12 flat lens as opposed to some sort of rounded
13 or contoured lens, which in the rounded lens
14 tend to scatter the light more than a flat
15 lens.

16 So, I think the Applicant has
17 done a good job of trying to direct the
18 light to this property and shield it from
19 the neighboring properties.

20 CHAIRMAN GRIFFIS: Excellent. I
21 appreciate that.

22 And actually a similar project

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1 with the same Applicant yielded the
2 conversation of site lighting. And I
3 believe, if I'm not mistaken, that we lent
4 some flexibility to the number of fixtures
5 but rather that the approval was based on
6 the fact that the exterior site lighting was
7 provided.

8 Okay. Anything else? Any
9 questions for the Board or the Office of
10 Planning?

11 Does the Applicant have any
12 questions of the Office of Planning?

13 MR. AGBIM: No, sir.

14 CHAIRMAN GRIFFIS: Let's move
15 ahead then.

16 Did you present to the ANC in the
17 application?

18 MR. AGBIM: Yes.

19 CHAIRMAN GRIFFIS: What date did
20 you do that?

21 MR. AGBIM: The same day that I
22 presented the --

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1 CHAIRMAN GRIFFIS: The other one?

2 MR. AGBIM: -- B Street plan.

3 CHAIRMAN GRIFFIS: And did they
4 take a position on this one?

5 MR. AGBIM: Yes.

6 CHAIRMAN GRIFFIS: What was the
7 position?

8 MR. AGBIM: They took the same
9 position which at the time was based on the
10 understanding that this project was for
11 rental apartments.

12 CHAIRMAN GRIFFIS: I see.

13 MR. AGBIM: Right.

14 CHAIRMAN GRIFFIS: I see.

15 MR. AGBIM: So, subsequently I
16 send them a letter, the same letter of
17 clarification statement that this is going
18 to be, in fact, for sale condominiums.

19 CHAIRMAN GRIFFIS: I see. Okay.
20 Excellent.

21 And we do have Exhibit Number 6
22 which is from the DHCD which is supporting

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1 their request for special exception relief
2 on this application.

3 I don't have any other
4 governmental agency reports attendant to
5 this application outside of those that have
6 already been cited, unless anyone else is
7 aware of those? Not noting, we can move
8 ahead then to ask if the ANC is present
9 today. ANC-7F.

10 Are there any presence of ANC-7F?
11 Let's go to those persons? Are there any
12 persons present to provide testimony on
13 Application 17517 in support of the
14 application?

15 In opposition to the application?

16 Not noting any persons in support
17 of opposition of the application, I don't
18 have any filings either in support or
19 opposition.

20 I'll turn it over to you for any
21 closing remarks you might have.

22 MR. AGBIM: No, sir.

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1 CHAIRMAN GRIFFIS: Very well.
2 Follow-up from the Board? Any further
3 follow-up?

4 Questions? If there are no
5 questions, I think the record is full on
6 this. I think it is appropriate to move to
7 a deliberation and I would move to approve
8 Application 17517, Charles B. Jackson, to
9 allow a special exception for a four-unit
10 apartment building under 353 at 4925 Call
11 Place, SE.

12 I would ask for a second?

13 MEMBER ETHERLY: Second, Mr.
14 Chair.

15 CHAIRMAN GRIFFIS: Thank you very
16 much, Mr. Etherly.

17 I'll note that the pertinent
18 points of Section 353, also incorporates the
19 Special Exception criterium and I think I
20 take great reliance on the Office of
21 Planning's analysis which is excellent, can
22 be had. However, it is very clear in this

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1 353, to arrange for the building for the
2 light and air, the parking, the recreation,
3 the referral to the agencies for adequate
4 provisions and services in the area,
5 creating landscaping and the overall special
6 exception requirements in terms of no
7 adverse -- attending of no adverse impact on
8 neighboring properties have been met.
9 Reversely stated, nothing has been presented
10 in evidence that would lead me to believe
11 that there would be cause to be concerned
12 that there might be undue adverse impacts
13 created by the approval of this application.

14 So, I'll open it up to others
15 with comments. No further comments.

16 If there are no further comments,
17 I would note that we can expedite this as
18 I'm stating because we've actually looked at
19 a very similar project in the provision 1 of
20 the trash receptacle and the placement of
21 the trash outside. Also, the land fee plan,
22 the parking in the rear and the

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1 illumination. I think that as it is
2 proposed in terms of the fixture that's
3 provided and also the location is good.

4 Any other comments then? Any
5 other concerns?

6 No other comments from the Board,
7 then we do have a motion before us and was
8 seconded. Everyone is favor say aye.

9 (AYE)

10 CHAIRMAN GRIFFIS: Opposed? Any
11 abstaining?

12 Very well. Why don't we record
13 the vote.

14 MS. BAILEY: Mr. Chairman, the
15 vote is recorded as five to zero to zero to
16 approve the application. Mr. Griffis made
17 the motion, Mr. Etherly seconded. Mr. Mann,
18 Mrs. Miller and Mr. Jeffries all support the
19 motion as well.

20 CHAIRMAN GRIFFIS: Excellent.
21 Thank you very much.

22 Thank you very much and if

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1 there's opposition from the Board or the
2 Applicant, I think we could waive our rules,
3 regulations and issue a summary order on
4 this. Very well.

5 Not noting any opposition or
6 concerns, I'll issue a summary order.

7 MS. BAILEY: Thank you, sir.

8 CHAIRMAN GRIFFIS: Thank you very
9 much. Thank you, sir.

10 MR. AGBIM: Thank you very much.

11 CHAIRMAN GRIFFIS: Good luck.

12 Why don't we move ahead and call
13 our next case.

14 MS. BAILEY: Application No.
15 17522 of Vestry of St. Columba's Episcopal
16 Church, pursuant to 11 DCMR 3104.1, for a
17 special exception to operate a child
18 development center that's for 90 children
19 and 16 staff under Section 205.

20 The property is located at 4201
21 Ablemarle Street, NW, Square at 77, Lot 7.

22 CHAIRMAN GRIFFIS: Good morning.

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1 MR. KEYS: Good morning, Mr.
2 Chairman.

3 CHAIRMAN GRIFFIS: Let me know if
4 we need to bring more chairs into the
5 hearing room for everyone. Well, that will
6 confuse people reading the record, won't it?

7 Okay. I turn it over to you.

8 MR. KEYS: Good morning, Mr.
9 Chairman and members of the Board. My name
10 is George Keys. And I'm here representing
11 the Vestry of St. Columba's Episcopal Church
12 in connection with their request for the
13 continuation of the operation of a child
14 development center.

15 And I think for once I have the
16 honor of bringing before the Board a routine
17 request that I think can be dispatched with
18 minimal testimony. And I think the board
19 can really rely on the fact that this
20 particular nursery school has been in
21 operation in this community for 46 years.
22 And has been before this Board on numerous

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1 occasions for authorization.

2 And most importantly, this
3 application represents no change over the
4 prior order which was issued in 1996.

5 Under the circumstances that we
6 believe, I'd like the Board to consider
7 whether or not a bench decision would be an
8 appropriate way of disposing of this case
9 today.

10 CHAIRMAN GRIFFIS: Well, we'll
11 decide it at the end, shall we?

12 MR. KEYS: Yes. Yes.

13 And I have with me Julia Berry
14 who as of this summer is the new Executive
15 Director of St. Columba's Nursery School and
16 I think her statement will provide you with
17 the background to support this application.

18 CHAIRMAN GRIFFIS: Good. And I
19 don't disagree with, Mr. Keys. I think the
20 record is full and actually all the written
21 submissions lend itself to standing on the
22 record.

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1 So, as much as you want to
2 summarize, we can move ahead. I know the
3 Board has a couple of quick questions that
4 we'll get into but then from there we'll
5 see where we go.

6 MS. BERRY: Well, I am Julia
7 Berry and I live at 109 South Brook Lane in
8 Bethesda, Maryland. And I am the new
9 Director at St. Columba's. Probably only
10 the real different thing that's going on
11 there and I can say that with some authority
12 because 20 years ago I had my very first
13 teaching position at St. Columba's. I was
14 hired by the previous director. And my
15 three children are all alums of the school
16 as well.

17 I am happy to be here today to
18 pick up the ball where Karen Strumpal set it
19 rolling. She appeared at the ANC in the
20 springtime to let them know that we would be
21 reapplying for this routine special
22 exception.

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1 I appeared before our
2 neighborhood ANC Commission after having
3 sent a letter out to the neighborhood
4 letting them know about me and about our
5 plans. I will tell you truthfully I got two
6 nice letters in return saying welcome aboard
7 and we're glad to have you back in the
8 neighborhood.

9 At the September 14th ANC meeting,
10 they moved to approve our continuing
11 operation. I understand they haven't filed
12 a letter, but I was followed out and someone
13 asked me how to get her little boy into the
14 school at the end of the meeting. So, I
15 felt like they were positively inclined
16 toward us.

17 We currently have 130 students
18 enrolled, ut only 90 at one time. We run a
19 morning and an afternoon program at St.
20 Columba's.

21 Each of our programs is three
22 hours long. The teachers arrive about 8:00

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1 in the morning and the children arrive at
2 8:40 and leave again at 11:40. The second
3 group in the afternoon arrives at our 12:40
4 and leaves around 3:30. So, at any one
5 time, we never have more than 90 children in
6 the program, although we do have more in our
7 total enrollment.

8 Does that make sense?

9 CHAIRMAN GRIFFIS: Absolutely.

10 VICE CHAIRPERSON MILLER: Just
11 clarify about what's with the other 10? I'm
12 sorry. I might have missed that.

13 You have 90 at one time and
14 100 enrolled --

15 MS. BERRY: We have 130 total.

16 VICE CHAIRPERSON MILLER: 130?

17 MS. BERRY: Ninety in the morning
18 program and 40 in the afternoon program.

19 VICE CHAIRPERSON MILLER: Oh,
20 okay. Thank you.

21 MS. BERRY: We serve children --

22 CHAIRMAN GRIFFIS: Is there a

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1 change anticipated in the enrollment number?
2 I understand there's no change in the
3 request for the capacity for the 90 children
4 on site at one time?

5 MS. BERRY: No. We don't
6 anticipate asking for anymore. We are as
7 full as our building and our licensing
8 allows us to be.

9 CHAIRMAN GRIFFIS: I understand
10 that. Ninety.

11 MS. BERRY: Ninety children.

12 CHAIRMAN GRIFFIS: Is there
13 anticipation that your enrollment number
14 would change? Has it changed over the years
15 if you're aware?

16 MS. BERRY: The addition of the
17 afternoon program four or five years ago did
18 add those 30 children to our total tuition
19 paying enrollment. But not to our actual
20 occupancy of the building.

21 CHAIRMAN GRIFFIS: Sure. Sure.

22 And would you anticipate that

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1 enrollment number changing at all?

2 Is there any sort of need for
3 flexibility of enrollment number?

4 MS. BERRY: Well, we certainly do
5 maintain a long waiting list of children and
6 routinely turn children down. But we at
7 this time are not expecting to increase our
8 size.

9 We, of course, also have a staff
10 cap. And in order to do that, we'd have to
11 look at, you know, a larger staff in the
12 afternoon.

13 CHAIRMAN GRIFFIS: But that would
14 only go to how many children were on site?

15 MS. BERRY: Right.

16 CHAIRMAN GRIFFIS: So, I'm not
17 talking about the 90. Ninety is fixed. I
18 understand that. You don't want to -- you
19 can't have no -- no capacity to have more
20 than 90 kids on site at one time. But
21 there's nothing precluding you from having
22 an enrollment of 250. Right? Except that

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1 you wouldn't have the place to put them in?

2 So, you say you have an
3 enrollment of 130 which is a flexibility of
4 the different times of day that the children
5 come in and out. Right?

6 Does that number change? Is that
7 a static number? Is that always 130, 90 on
8 site, 130 enrollment? Or does the
9 enrollment go from, you know, 110 to 130 to
10 140 to 110?

11 MS. BERRY: No. We admit
12 children at a single time of year and our
13 enrollment for the school year is fixed and
14 basically in April when we do our admission.

15 CHAIRMAN GRIFFIS: Okay. And the
16 enrollment is always the same number?

17 MS. BERRY: Give or take whether
18 or not we have enough bodies to fill our
19 spots. Our goal is to have enrolled 130.

20 CHAIRMAN GRIFFIS: Right.

21 MS. BERRY: That's our ceiling.

22 VICE CHAIRPERSON MILLER: I'm

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1 just curious.

2 CHAIRMAN GRIFFIS: It's very
3 clear.

4 VICE CHAIRPERSON MILLER: I'm
5 just curious.

6 At this age level, is it ever
7 that you have a situation where you admit
8 more than you've enrolled because --

9 CHAIRMAN GRIFFIS: Because of the
10 drop out rate?

11 MS. BERRY: Oh, attrition across
12 the summer?

13 VICE CHAIRPERSON MILLER: Like
14 college or private schools where they --

15 CHAIRMAN GRIFFIS: Because they
16 get into Harvard.

17 MS. BERRY: I have never been in
18 that position. I assume, yes. That you
19 have to expect that you have to over roll by
20 one or two children in order to make sure
21 that the ones that move away in the summer.
22 I'll face that this spring when I look at

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1 our numbers. But we have never been over
2 enrolled to my knowledge.

3 And it's clear to me that our
4 afternoon program has a little bit of wiggle
5 room since there are only 40 children and
6 should be wend up with more children than
7 130, we would certainly put them in that
8 afternoon session.

9 CHAIRMAN GRIFFIS: Right.

10 MS. BERRY: Where our capacity is
11 --

12 CHAIRMAN GRIFFIS: I think it's
13 an interesting point that you bring up the
14 question. I see it a little bit different
15 because of the actual licensing for
16 occupancy.

17 I supposed -- she's referring to,
18 you know, when we used to do campus planning
19 in the universities. It's not -- we've
20 always been told it's not scientific because
21 you don't know how many people are going to
22 accept your enrollment. Right?

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1 MS. BERRY: Right.

2 CHAIRMAN GRIFFIS: But obviously
3 they aren't locked into having a specific
4 number of students in each classroom and
5 there is a finite number. They can always,
6 I guess, increase their classroom setting.

7 Anyway.

8 MS. BERRY: Well, within the
9 limits of the licensing of ratios of
10 teachers and children.

11 CHAIRMAN GRIFFIS: Exactly.
12 Exactly.

13 MS. BERRY: One of the lovely
14 things about St. Columba's Nursery School
15 which is not like many of the other nursery
16 schools in the city is that we don't
17 interview children. Eighty percent of our
18 students come from the parish in the
19 neighborhood and we accept them on paper.
20 And once they've been accepted, we have them
21 come for a visit. So, we take children just
22 as they are.

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1 Another 20 percent of our spots
2 are reserved for children with identified
3 special needs and we've served a range of
4 children with difficulties like cerebral
5 palsy and vestigial limbs and Downs Syndrome
6 and Autism and hearing and vision
7 impairments. So, we're very unique in the
8 city in terms of what we do in terms of
9 inclusive practice. And our teachers are
10 known around the country for their expertise
11 in sensory processing disorders and
12 developmentally appropriate practice.

13 So, we do fill a unique niche in
14 the city and an important function in our
15 neighborhood since so many of our children
16 come from right around the school.

17 CHAIRMAN GRIFFIS: Very
18 impressive.

19 Any other questions on that?

20 Okay.

21 What else?

22 MS. BERRY: I should tell you

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1 that we are licensed by the District.
2 Currently, our licensing inspection has
3 happened the second day of school. It's
4 actually expired at the moment where it's in
5 the mail as they say.

6 We have been licensed, of course,
7 since we began. We are also credited by the
8 National Association of the Education of
9 young Children and the Directorate, DHS.
10 Valerie Ware has written a letter in support
11 of our continued operation since good
12 quality, early childhood education is at a
13 premium in the District.

14 CHAIRMAN GRIFFIS: Yes. We hear
15 that on every ward. Okay?

16 MS. BERRY: I guess the thing the
17 neighborhood has been the most interested in
18 hearing from us about is our car pooling
19 procedure. We have two arrivals and two
20 drop-offs every day for our regular program.
21 Fortunately, we have two entrances to the
22 building so the car pool load is split

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1 between the two sides of the building.

2 Half of our children are dropped
3 off on Butterworth Place in our parking lot
4 which accommodates about six cars from our
5 car pool flow, car pool lasts a maximum of
6 20 minutes and it's really only busy for
7 about 10.

8 The four-year old children are
9 dropped off and picked up on the Ablemarle
10 side of the building. There's a big long
11 stretch in front of the church entrance with
12 no parked cars. So, we very rarely have
13 any kind of traffic backup.

14 We do run a little afternoon
15 lunch program for the four-year olds which
16 entails another pick up at 2:00. Again,
17 that's on the Ablemarle side of the street
18 and only involves about 12 or 15 cars.

19 All the children are supervised
20 from the time they get out of the car into
21 the building. And again the teachers take
22 them out to the cars and make sure that

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1 they're buckled up in their approved child
2 restraint seats whenever we do arrival and
3 dismissal.

4 CHAIRMAN GRIFFIS: Are you aware
5 of any complaints on the drop off and pick
6 up procedures?

7 MS. BERRY: Not to my knowledge.

8 CHAIRMAN GRIFFIS: Are you
9 anticipating nay change in any of those
10 procedures?

11 MS. BERRY: Absolutely none. It
12 works very well. It's quite smooth.

13 CHAIRMAN GRIFFIS: Okay. What
14 about parking? You have the four spaces
15 that are provided.

16 MS. BERRY: We're required to
17 have four spaces, but we actually provide 11
18 spaces.

19 CHAIRMAN GRIFFIS: Excellent.

20 MS. BERRY: And we have staff
21 park them. So, actually all of our staff
22 parking is in the parking lot and there are

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1 no cars currently.

2 CHAIRMAN GRIFFIS: Are you aware
3 of any complaints of the parking procedures
4 of this facility? Pre-School?

5 MS. BERRY: I think only the
6 church complains about occasional
7 neighborhood people park in the parking lot
8 and take up our spaces. But, no. We don't
9 have -- we have not had any complaints from
10 the Neighborhood about problems.

11 CHAIRMAN GRIFFIS: And there's no
12 change anticipated in the number of staff or
13 the parking procedure?

14 MS. BERRY: No. 205.4 requires
15 us to make sure and insure that the adequate
16 parking is set.

17 The Office of Planning's analysis
18 which they're not here to present it so I'll
19 present it for them indicated that they're
20 required one parking space for every four
21 teachers or other employees. I don't read
22 the regulations that way. However, I

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1 understand that they're stating going to the
2 parking table regulation as a guideline for
3 what's reasonable or what is to expect.

4 And I understand you saying you
5 comply with 205.4 because you're not
6 changing any of the staff numbers that are
7 currently employed. And you're not changing
8 any of the parking spaces. So, conceivably
9 at four would be reasonable. Eleven are
10 provided and you can actually get more in
11 because of the stacking.

12 Is that correct?

13 MS. BERRY: That's correct.

14 CHAIRMAN GRIFFIS: Okay. So,
15 let's talk about employees.

16 You're talked about having --
17 well, right now it's advertised for approval
18 to have 16 staff persons. Correct?

19 MS. BERRY: On site, I think.

20 CHAIRMAN GRIFFIS: Well, I guess
21 that's what we need to get into because I'm
22 not sure that it isn't a full time

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1 equivalent number. Maybe it's an on-site
2 number. But what `d like to get to because
3 I think you're giving it to us in the
4 Footnote Number 1.

5 MS. BERRY: Oh, I see.

6 CHAIRMAN GRIFFIS: You have 10
7 full time staff and you have 10 part time
8 staff members.

9 Are you anticipating additional
10 numbers of actual persons on that? You'll
11 maintain 10 part time, and 10 full time?

12 MS. BERRY: Right. And only
13 eight of those ten part time are there on a
14 daily basis. Two of those part time are
15 hourly employees who --

16 CHAIRMAN GRIFFIS: Right.

17 MS. BERRY: -- are just
18 occasional. So --

19 CHAIRMAN GRIFFIS: Okay.

20 MS. BERRY: But, no. we don't
21 anticipate the --

22 CHAIRMAN GRIFFIS: And that's

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1 your employee roll. And you may continually
2 have consultants that come in. Is that
3 right?

4 MS. BERRY: In fact we do.
5 Occupational therapists, physical
6 therapists, speech therapists. People come
7 in.

8 CHAIRMAN GRIFFIS: Excellent.
9 Excellent.

10 So, if I was to ask you what are
11 the total number of staff members? How many
12 is your total number of staff members?

13 MS. BERRY: We have 18 people
14 with employment contracts and two additional
15 hourly. So, the total is 20.

16 CHAIRMAN GRIFFIS: 20.

17 MS. BERRY: To whom I pay money.

18 CHAIRMAN GRIFFIS: Okay. And
19 that has been consistent. That's not a
20 change?

21 MS. BERRY: Yes.

22 VICE CHAIRPERSON MILLER: I just

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1 want to ask you. Given that, you know, we
2 haven't discussed yet a term for this
3 application. You know, you have like a term
4 of 10 years or whatever.

5 So, looking down the road, when
6 we're going to be putting in numbers here
7 for your employees. Say we say 20 employees
8 or something. I just want you to think
9 about, you know, might you grow at all or
10 might you have some of the staff job share
11 or something in which the number might
12 change. So, that if we were to put in a
13 fixed number, might it be greater than 20?
14 Should be say staff will not exceed?

15 MS. BERRY: It would be lovely to
16 have some latitude for those consultants
17 that you just asked me about.

18 CHAIRMAN GRIFFIS: The
19 consultants, I think we ought to be clear,
20 would not count in your employee count.

21 MS. BERRY: Okay.

22 CHAIRMAN GRIFFIS: I think what

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1 Ms. Miller is talking about if I understand
2 her question. She is saying -- you're
3 saying now you have 10 full time. Is there
4 a potential that those 10 full time might go
5 to two part time? You know, one of them is
6 in a full time but rather it goes to a part
7 time? Is that what you're saying?

8 MR. MANN: Yes. That is what I'm
9 saying with respect to counting full time or
10 part time employees as number of total
11 employees.

12 MR. KEYS: I think part of the
13 confusion here comes because we've expressed
14 our employees in terms of full time
15 equivalents.

16 CHAIRMAN GRIFFIS: Right.

17 MR. KEYS: And there's a
18 different number that's expressed in the
19 order. So, I think the answer is yes. We
20 would like more flexibility--

21 CHAIRMAN GRIFFIS: Right.

22 MR. KEYS: -- to adjust within

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1 the limits.

2 CHAIRMAN GRIFFIS: It gets into
3 the program. I mean, I think you can answer
4 this from your own understanding of the
5 programming of the nursery school. And
6 obviously you're new, but it's been in
7 existence for a long time.

8 The 10 full time seem to be a
9 fairly critical number.

10 MS. BERRY: Yes.

11 CHAIRMAN GRIFFIS: And I guess
12 what Ms. Miller is pushing is, is there --
13 as things flow in program and times and the
14 season, are those anticipated at all to be
15 changing in terms of reducing the full time,
16 but increasing the part time?

17 And let me be in full disclosure.
18 In my mind, I think this Board needs to be
19 looking at calculations for total enrollment
20 and total number of persons on staff.
21 Because what we're being asked to review is
22 the impact of people utilizing the facility.

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1 Not when the bell rings and the doors close,
2 how many people are inside? It's obviously
3 how they get there. When they get there.
4 How often they get there. What do they do.
5 When they get there. That kind of stuff.

6 So, we're not questioning or
7 putting you through the ringer of any sorts.
8 We're just trying to establish what reality
9 if in terms of another measuring point.
10 Because there's no less than three ways to
11 measure all these numbers.

12 So, what we want to do is, and it
13 doesn't matter to me to step back from that
14 comment. It doesn't actually matter to me
15 which way we measure it, as long as we all
16 know which way we're measuring it. And you
17 know which way we're measuring it.

18 MS. BERRY: When I think about
19 change in the program in terms of staffing,
20 what is more likely to happen is that some
21 of those part time people would like to be
22 full time employees, which would then effect

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1 the number of part time employees that I
2 could have on staff because I'm calculating
3 FTEs rather than counting bodies.

4 So, if there's a way to set the
5 number of total FTEs higher for me, it would
6 give me some flexibility.

7 CHAIRMAN GRIFFIS: I think we're
8 moving away from FTEs. We're going to a
9 number of persons. So, conceivably right
10 now, I'm looking at 20 staff members. That
11 would be the number that I think we ought to
12 start to deliberate on if we're setting a
13 level, because quite frankly, that's about
14 what you have. You have 10 part time and 10
15 full time.

16 MS. BERRY: Right.

17 CHAIRMAN GRIFFIS: So, if you
18 were saying one of your part time in that 10
19 wanted to be full time, you went to 11 full
20 time and 9 part time. Is that what you
21 would do?

22 MR. KEYS: I think I might be

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1 able to help with the question.

2 Could you just describe how you
3 use your part time people because I
4 understand they are specialists or they have
5 a special function? Would you might enlarge
6 the special functions if you moved someone
7 to a full time status?

8 MS. BERRY: In addition to the
9 classroom work, you know, the 10 full time
10 teachers are teachers who teach in the
11 classroom with groups both morning and
12 afternoon. And some of our part time
13 teachers have only morning classroom groups.

14 Some of our part time teachers
15 are the music teacher and the science
16 teacher. And an office administrator and
17 those rolls are just by their nature part
18 time. And, frankly, they live in the
19 neighborhood and they walk over. So,
20 they're impact on the neighborhood -- now,
21 there's no guarantee they'll always be
22 there, but -- I guess I'm perplexed. I

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1 don't know how to imagine that it will be
2 different other than people -- the classroom
3 roles would change to full time. In which
4 case, it wouldn't be an increased number of
5 bodies. It would just be a longer presence
6 in the program.

7 MR. MANN: I mean, obviously, the
8 school has been around for a long time it
9 sounds like. It hasn't been changing very
10 much. It's been pretty consistent for the
11 number of staff. And really we're only
12 getting at how do we capture what that
13 number is? This Board is getting away from
14 this full time equivalent type of
15 characterization. And just saying, well,
16 just so that it can be record. It can be a
17 -- what is the number that you have and is
18 that the number that you're comfortable with
19 projecting out 10 years from now? Or, you
20 know, or do you need one or two spaces in
21 the event that something -- you bring in two
22 part time people for one full time position?

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1 It doesn't sound like you're
2 going to come up with a vastly different
3 number because you have your set building.
4 You have your program that's working. So,
5 we're just looking for what's the right
6 number. So, when it's put in an order, it
7 accurately reflects your operation and it's
8 a number that the community can see.

9 MS. BERRY: Well, 25 would be
10 very generous if it was -- if you could set
11 it at that? I know we're hoping to append a
12 clergy person from upstairs who then will be
13 a regular presence. And that would
14 certainly add someone to my roster of
15 people.

16 I'd like to hire a PE teacher
17 maybe at some point in the future to
18 supplement what our playground teacher does.
19 And if we had a full time educational
20 consultant on the premises, that would be a
21 third person that potentially could be very
22 beneficial and would need to be considered.

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1 CHAIRMAN GRIFFIS: Okay.

2 Anything else?

3 MR. KEYS: I think in the interest of
4 meeting the regulatory test, I think you
5 probably should discuss the recreational
6 area and what's available for the children.

7 MS. BERRY: Certainly. We have
8 six classrooms for the home rooms. As terms
9 of interior space, we have a large music
10 room. We have a small science room. We
11 have a couple of administrative offices and
12 a library that serves as a staff lounge as
13 well as a meeting space for grownups.

14 Our outdoor space, I don't have
15 the square footage right in front of me.
16 But we have two very, very large well
17 furnished playgrounds with grassy areas for
18 sledding and riding the dump trucks down the
19 hills and a variety of climbers and bikes.

20 Our playgrounds are filled from
21 before school. The Chaney School is just up
22 the street from us. We have neighborhood

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1 kids on our playground from dawn until dusk
2 really using our facilities and enjoying
3 themselves.

4 CHAIRMAN GRIFFIS: I don't have
5 anything else.

6 Any other questions?

7 VICE CHAIRPERSON MILLER: Okay.
8 I'd like to go back to the enrollment number
9 again then.

10 MS. BERRY: Sure.

11 VICE CHAIRPERSON MILLER: Because
12 when I'm looking at the Office of Planning
13 memo, at least and it says the number of
14 children shall not exceed 90. And I
15 understand what you're saying is that that
16 means on site at one time.

17 If the Board were to go to an
18 enrollment number instead. I'm not sure
19 what we're going to do, but if we were,
20 would that be 130? Is that it? Or again if
21 this were to be a ten-year or something
22 projection, what number would you be

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1 seeking?

2 MS. BERRY: Well, if you could st
3 the number at 180 it would certainly
4 maximize our capacity to grown within the
5 constraints of our occupancy.

6 CHAIRMAN GRIFFIS: Meaning you
7 could conceivably have two separate classes.
8 The morning would be the 90 and then
9 afternoon would be 90. So, a total
10 enrollment would be 180.

11 MS. BERRY: Right. I can't
12 imagine that we'll grow to that, but
13 certainly would maximize our potential use
14 of the building.

15 CHAIRMAN GRIFFIS: So, reversely
16 said, if one was to approve this for a 90 on
17 site at one time, that would be the same as
18 allowing for 180 enrollment?

19 MR. KEYS: That's correct. And I
20 think it would be a mistake to change the
21 number, because we presented this case to
22 the neighborhood and to the ANC as being,

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1 you know, a fixed number, although there is
2 an ambiguity in what that number really
3 means.

4 Perhaps, the order to clarify
5 that by saying that it's 90 children.

6 CHAIRMAN GRIFFIS: I see what
7 you're saying. You're saying previously the
8 Board looked at this number and said, this
9 is an on site number even though it didn't
10 differentiate or it may have. Even in your
11 filing, you start talking about the on site
12 number and then split easily into an
13 enrollment number.

14 So, it was understood previously
15 in no less than four orders that that number
16 was an on site number.

17 MR. KEYS: I think that's
18 correct, Mr. Chairman.

19 CHAIRMAN GRIFFIS: I see.

20 VICE CHAIRPERSON MILLER: When
21 you present it to the community, did you
22 present your school as having 90 and 40?

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1 Ninety and then 40 in the after school.

2 MS. BERRY: In the afternoon
3 program?

4 VICE CHAIRPERSON MILLER: Right.

5 MS. BERRY: Yes. That's the
6 understanding in the neighborhood.

7 CHAIRMAN GRIFFIS: Okay. Again,
8 I think we're just trying to get clarify on
9 what number it is. We're not anticipated
10 you haven't requested an increase of any
11 kind of a change of any kind. Ms. Miller is
12 really pushing and I think appropriately so,
13 the flexibility of the program. I mean,
14 obviously, if there are other staff members
15 that are projected out based on addressing
16 new techniques or whatever it is, that
17 that's flexibility that we ought to be able
18 to anticipate as you would also.

19 Okay. Anything else then on that
20 in particular? We can get to the rest of
21 the requirements of the application and
22 return to these questions as we will as we

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1 close this out.

2 I'll note that the Office of
3 Planning is not present, but we've gone
4 through substantially most of their analysis
5 unless Board members or the Applicant has
6 any other highlights to that. They did, of
7 course, conclude that the child development
8 center has been operating for 46 years. And
9 they, again, have not found that there's a
10 need to recommend disapproving this or
11 directly said, OP recommends approval of
12 this application request with several items.

13 One would be for a period of 10
14 years. They have an onsite number of
15 children not to exceed 90. And the number
16 of staff not exceeding 16 with no more than
17 14 teachers onsite at any one time.

18 Operations from 8:00 to 4:00,
19 Monday through Friday. At least four
20 parking spaces reserved when school is used
21 at all times. And the provision that
22 children would be escorted to the building

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1 by staff members when they are dropped off.
2 And all outdoor activities shall take place
3 under staff supervision.

4 Yes, Ms. Miller.

5 VICE CHAIRPERSON MILLER: I'm
6 just wondering, does this school have any
7 type of manuals that describe the drop off
8 and pick up or any other type of procedures
9 you have?

10 MS. BERRY: Yes. I just recently
11 rewrote them as a matter of fact. They go
12 out to the parents in the summertime mailing
13 so that they understand the rules and the
14 structures of the arrival and dismissal.

15 VICE CHAIRPERSON MILLER: And
16 that would be available to the community
17 also if they were interested?

18 MS. BERRY: Absolutely.

19 VICE CHAIRPERSON MILLER: Thank
20 you.

21 CHAIRMAN GRIFFIS: Anything else
22 on that?

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1 Then I'll continue to note that
2 Exhibit Number 26 is from the Department of
3 Health also recommending approval. It is
4 part of the a referral analysis of the
5 regulations. This is not located in a
6 historic district as far as my understanding
7 of the record show.

8 ANC-3E is the ANC in which this
9 property is located. And you indicated that
10 you presented it to the ANC. Is that
11 correct?

12 MR. KEYS: Yes. Ms. Berry
13 appeared on September 14th at a regularly
14 scheduled ANC meeting. We were on the
15 calendar. They took a vote to approve. I'm
16 astonished that their report is not in the
17 file. And that ANC is usually rather
18 efficient.

19 CHAIRMAN GRIFFIS: Okay. Well,
20 there it is. No. It's not in the record.

21 I don't have any other government
22 reports or association or ANC attendant to

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1 this application, unless the Applicant and
2 Board members are aware of any, we'd ask for
3 any person present for in favor of the
4 application or in opposition or neutral to
5 the application if they would come forward
6 at this time.

7 Noting that there is nobody in
8 the hearing room, I don't anticipate anyone
9 else coming up. But I just like saying that
10 for the record. All right. Okay.

11 Let's turn it to you for any
12 closing remarks that you might have.

13 I guess we need to put this -- I
14 guess the comments on how you want us to
15 calculate or look at numbers that would
16 appropriate at this point.

17 MR. KEYS: Yes, Mr. Chairman. I
18 looked back over the prior orders. And
19 looking at the words and I think in some
20 regards you've already hit on the issues
21 that I would focus on.

22 CHAIRMAN GRIFFIS: Okay.

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1 MR. KEYS: The staff level is
2 one. I think if you could provide for -- if
3 you want to move away from the full time
4 equivalent, you should provide for staff of
5 25. That would be sufficient.

6 With respect to the children, I
7 think the addition of the phrase at anyone
8 time might be useful as a way of clarifying
9 the enrollment situation.

10 And as it pertains to the
11 parking, I'd just look at the parking
12 language. It says four spaces reserved for
13 the school's use at all times. Well, the
14 reality is this is a church parking lot and
15 those spaces are available for the school's
16 use during school hours. I think the
17 addition of that language would be
18 appropriate in the order as well.

19 CHAIRMAN GRIFFIS: Right. I
20 think that's a good clarification. It is
21 not at all times, 24 hours a day, but rather
22 during operating hours. Because the church

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1 uses those during Saturdays and Sundays one
2 presumes.

3 MR. KEYS: Right.

4 CHAIRMAN GRIFFIS: Right. Okay.

5 MR. KEYS: And then just in quick
6 summary. I think that the regulatory
7 standards of Section 205 have been
8 established historically and currently, that
9 there is licensing for this facility, that
10 it can operate in this community with no
11 adverse traffic impacts, that the drop off
12 procedures are well established and the
13 virtue of having both Ablemarle
14 Street and Butterworth Place as sites for
15 drop off really facilitates that process.

16 I think we've indicated in our
17 submission that there are no comparable
18 programs or facilities in the area. Jamie's
19 School is the nearest facility. I think it
20 operates pre-K. But that's a different
21 program than this one.

22 As you heard, this is a very

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1 expansive program that includes children
2 with special need that can operate in a
3 mainstream environment. And this makes this
4 school unique.

5 The District is on record as
6 supporting the application, but also
7 recognizing the critical need in the
8 District for adequate licensed childcare. I
9 think 46 years of operation stands as a
10 statement for itself. And I would ask this
11 Board to consider the conditions that we've
12 discussed and considering a bench decision
13 in this case.

14 CHAIRMAN GRIFFIS: Thank you very
15 much.

16 Questions?

17 VICE CHAIRPERSON MILLER: Okay.
18 I just want to clarify with respect to the
19 students and the employees.

20 It sounds to me as if you're
21 comfortable with the number of students on
22 site at one time. That's what was presented

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1 the ANC and that doesn't change really the
2 enrollment. Okay.

3 With respect to employees though.
4 That wasn't presented as an onsite figure to
5 the ANC? Or is that important, because it
6 seems to me if someone were to monitor the
7 operation of the school, it would be easier
8 to monitor how many you actually are paying.

9 MR. KEYS: Ms. Miller, I think
10 the only objection to the staff levels could
11 be because of an adverse traffic situation
12 or an inability to provide adequate parking
13 for staff. I can't see why the community
14 would have a concern about there being more
15 staff than there are currently.

16 If there's no --

17 VICE CHAIRPERSON MILLER: No.
18 That's not my question. Maybe and I don't
19 even want you to speculate about the
20 community. I mean, it was kind of like
21 let's present it to the community. Because
22 it sounds like what was presented to the

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1 community with respect to students was the
2 onsite issue. But that that issue wasn't
3 really a factor with staff, whether they
4 were onsite or on payroll, was it?

5 That's my question.

6 MS. BERRY: I gave them the same
7 numbers that we had ten full time and ten
8 part time staff. It hadn't occurred to me
9 that anybody would wonder about it. You
10 know, the tenth full time staff -- actually
11 part time staff member is our new assistant
12 director and she came on a couple of years
13 ago.

14 And the other big staffing
15 change, of course, is the retirement of our
16 director after 35 years, replaced by me.
17 So, I didn't have any questions from the ANC
18 group about the staffing.

19 VICE CHAIRPERSON MILLER: Okay.
20 And then when you're talking about you would
21 request for leeway for growth, whatever, a
22 maximum of 25 staff. That's it. That's not

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1 payroll. It's not on one time at the
2 school. That's how many you'd have in your

3 MS. BERRY: Paid employees.

4 VICE CHAIRPERSON MILLER: Right.
5 Period. Right. Okay. Thank you.

6 MS. BERRY: Sure.

7 CHAIRMAN GRIFFIS: Okay. Doing a
8 quick deliberation here off the record, of
9 course, is bring it on the record.

10 We've seen a lot of these that
11 have time limits and not time limits. And
12 most of the time -- well, the critical
13 aspect we have found or I have found is that
14 the time period goes to when a child
15 development center or a nursery is
16 established. And it's untested. And so
17 certainly there are concerns. There's often
18 concerns of whether and how it will proceed.
19 And whether it will grow or not. Forth-six
20 years here. We're kind of questioning why
21 we're putting a ten-year time limit on this
22 or a time period. Obviously, if anything

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1 changes, it would have to come back in for a
2 modification. But even 205, the regulation
3 reads as establishing. You know, special
4 exception, it set out of how to establish a
5 facility like this.

6 But I'd be open for further
7 comments from the Board or the Applicant on
8 that if there are?

9 Yes?

10 VICE CHAIRPERSON MILLER: And
11 this will probably come up in our
12 deliberation, but I would say 46 years
13 without any controversy or, you know,
14 concerns from the community is a long track
15 record.

16 CHAIRMAN GRIFFIS: Yes.

17 VICE CHAIRPERSON MILLER: So,
18 therefore, they may not need anymore terms.

19 CHAIRMAN GRIFFIS: well, I see it
20 even more so. And it's maybe a little bit
21 or our deliberation. But it's not whether
22 the community had a problem with it because

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1 someone could move in tomorrow and have a
2 problem with it. I mean, this has been
3 there for 46 years.

4 I mean, this is set up as part of
5 -- even the enrollment comes from the
6 association of St. Columba's and the
7 community. Let's just call it that
8 community. And this is a facility that
9 serve that community. I mean, that's an
10 integral part. So, I guess my point is that
11 what would change that in terms of its
12 establishment or its ability to continue as
13 it has continued as an important part of the
14 community for such a long time.

15 The neighborhood around it, I
16 guess, could change. But then an
17 interesting kind of dialogue would start
18 here.

19 So, then who is supposed to
20 change it? Anyway, the point is without
21 getting too detailed into that realm. I
22 don't see and I'm not -- frankly, I'm not

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1 persuaded that we need to set up a ten-year
2 period on this unless others believe that we
3 should.

4 Very well. Is there anything
5 else from the Applicant that we need?
6 Anything else you put on the record? Okay.

7 If there's nothing further then,
8 I believe, the record is voluminous. And if
9 the Board if amenable, I think we should
10 proceed today under a motion.

11 And let me state it and I am open
12 to restating and discussing elements as I
13 will proceed with this. However, I would
14 move approval of Application 17522, under
15 section 205 for the continued operation of
16 the child development center.

17 It would be for the capacity of
18 90 children onsite. Three to four years
19 with 25 staff persons located at 4201
20 Ablemarle Street, NW. I would include the
21 time of operations to be not exceeding 8:00
22 a.m. to 4:00 p.m. Monday through Friday.

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1 That four parking spaces -- at least four
2 parking spaces are to be provided for the
3 school's use during operation. And the
4 children would be escorted to the building
5 by staff members when they are dropped off.
6 And all outdoor activities are taking place
7 under staff supervision.

8 I would ask for a second.

9 MEMBER ETHERLY: Second, Mr.
10 Chair.

11 CHAIRMAN GRIFFIS: Thank you very
12 much, Mr. Etherly.

13 I'll hear any discussions on any
14 of those specific aspects. Just to make
15 note, that I did go back to the advertised
16 90 children, which is an onsite number. And
17 I think all that needs to be is be made
18 clear that that is what we're deliberating
19 on having full well and the record shows the
20 total enrollment and the flexibility of that
21 enrollment or how it might actually change
22 or could change.

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1 And then frankly, just reflecting
2 the reality of the staff persons and that
3 number not moving away from an FTE and to a
4 person.

5 Comments?

6 VICE CHAIRPERSON MILLER: I have
7 two.

8 One is the way you phrase it. I
9 mean, do you envision that those would be
10 conditions or are you wrapping them into a
11 description?

12 CHAIRMAN GRIFFIS: I think we'll
13 going to propose a motion on that. The
14 conditions.

15 VICE CHAIRPERSON MILLER:
16 Conditions. Okay. I think that would be a
17 good idea.

18 And also onsite at any one time.
19 You took the at any one time language. I
20 just wanted to see whether that was
21 intentional or --

22 CHAIRMAN GRIFFIS: Not

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1 intentional. It just seems redundant.

2 VICE CHAIRPERSON MILLER: Okay.

3 CHAIRMAN GRIFFIS: I mean it is
4 redundant actually.

5 VICE CHAIRPERSON MILLER: That's
6 right. It means the same thing.

7 CHAIRMAN GRIFFIS: As much as we
8 get into the detail and the nuance of each
9 word.

10 VICE CHAIRPERSON MILLER: That's
11 right.

12 CHAIRMAN GRIFFIS: No. I
13 wouldn't take that out at all.

14 VICE CHAIRPERSON MILLER: So,
15 shall not exceed 90 onsite?

16 CHAIRMAN GRIFFIS: I need more
17 time.

18 VICE CHAIRPERSON MILLER: Okay.
19 Okay.

20 And the 25. Not to exceed 25?

21 CHAIRMAN GRIFFIS: Correct.

22 VICE CHAIRPERSON MILLER: Okay.

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1 Good

2 Anything else? Any other
3 questions? Comments? Those are all the
4 conditions then? Very well.

5 If there's nothing further
6 deliberation of the Board, we do have a
7 motion before us. It has been conditioned
8 and seconded.

9 Those not opposed, specify by
10 saying aye.

11 (AYES)

12 CHAIRMAN GRIFFIS: And opposed?
13 Abstaining?

14 Very well. Let's record the
15 vote.

16 MS. BAILEY: Mr. Chairman, the
17 vote is recorded as five to zero to zero to
18 approve the application. Mr. Griffis made
19 the motion, Mr. Etherly seconded, Mr. Mann,
20 Mrs. Miller, Mr. Jeffries approved.

21 And we're doing a summary order
22 with conditions, Mr. Chairman?

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1 CHAIRMAN GRIFFIS: I see no
2 reason why we would not waiver rules,
3 regulations and issue a summary order unless
4 there's any objection.

5 Not noting any objection.

6 MS. BAILEY: Thank you, sir.

7 CHAIRMAN GRIFFIS: Thank you very
8 much.

9 Thank you all very much. Have a
10 pleasant afternoon. And good luck with the
11 new job.

12 Very well. Ms. Miller, is there
13 anything else from the Board for this
14 morning's session?

15 VICE CHAIRPERSON MILLER: No, Mr.
16 Chairman.

17 CHAIRMAN GRIFFIS: Excellent.
18 Ms. Monroe.

19 MS. MONROE: Did you determine?

20 CHAIRMAN GRIFFIS: We did not.

21 MS. MONROE: You did not. Okay.

22 CHAIRMAN GRIFFIS: Excellent. If

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1 there's nothing further from the Board then
2 let's adjourn.

3 (Whereupon, the hearing was
4 recessed at 11:23 a.m. to reconvene at 1:18
5 p.m., this same day.)

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