

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

MORNING SESSION

+ + + + +

TUESDAY

JUNE 25, 2002

+ + + + +

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
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)

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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.

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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.

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

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

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

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

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

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

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

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

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

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

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

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

14               CHAIRPERSON GRIFFIS: Yes.

15               MS. BAILEY: -- good morning.

16               CHAIRPERSON GRIFFIS: Good morning.

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

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

22               MS. BAILEY: No action, Mr. Chairman.

23               CHAIRPERSON GRIFFIS: Thank you.

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

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

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

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

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

17 Thank you.

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

22 Will the applicant please come to the  
23 table?

24 And the case is ready to go forward.

25 CHAIRPERSON GRIFFIS: Thank you.

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1 Good morning.

2 REVEREND MURRAY: Good morning.

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

6 REVEREND MURRAY: Thank you.

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

9 REVEREND MURRAY: Okay. Good morning.

10 CHAIRPERSON GRIFFIS: Good morning.

11 REVEREND MURRAY: My name is Reverend  
12 Martin Murray.

13 CHAIRPERSON GRIFFIS: And your address,  
14 sir?

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

17 CHAIRPERSON GRIFFIS: Thank you.

18 REVEREND MURRAY: But the church is at  
19 5533 Illinois Avenue, N.W. Thank you.

20 CHAIRPERSON GRIFFIS: Did you have any  
21 opening statement?

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

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

3 It's a very old building that was there,  
4 and no parking -- it's only two buildings there that  
5 doesn't have any parking in the back. All the others  
6 have. Because this is an odd shape -- odd-shaped lot.

7 See, there is no -- this is how it is. It's 85 and  
8 86 no parking, period, but all the others have parking  
9 in the back.

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

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

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

22 REVEREND MURRAY: Yes.

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

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1 building. Is that correct?

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

9 We have like midday service from 11:00 to  
10 2:00 -- from 12:00 to 2:00, but that doesn't really,  
11 you know, take up any kind of space, because most of  
12 the people are going to work and, you know, just a few  
13 of them that --

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

16 REVEREND MURRAY: On Wednesdays.

17 CHAIRPERSON GRIFFIS: Just Wednesday.

18 REVEREND MURRAY: On Wednesdays.

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

21 REVEREND MURRAY: Yes.

22 CHAIRPERSON GRIFFIS: And then Wednesday  
23 midday.

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

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

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

6 REVEREND MURRAY: We are there five years  
7 now.

8 CHAIRPERSON GRIFFIS: Okay.

9 REVEREND MURRAY: Five years.

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

12 REVEREND MURRAY: No, sir.

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

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

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

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

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

3 CHAIRPERSON GRIFFIS: Right.

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

13 CHAIRPERSON GRIFFIS: I see.

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

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

23 CHAIRPERSON GRIFFIS: Congratulations.

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

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1 have our occupancy license for that --

2 CHAIRPERSON GRIFFIS: I see.

3 REVEREND MURRAY: So after that, we move  
4 to 614 P Street, and from 614 P Street we went to --  
5 you know, this is -- they have acquired this building.

6 Three of the members acquired this building, and they  
7 say, "Okay, Reverend, we're going to put the church  
8 right here." See? And this is how it -- you know, it  
9 come about, and so on.

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

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

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

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

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

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

16 CHAIRPERSON GRIFFIS: Yes.

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

19 CHAIRPERSON GRIFFIS: Okay. Good. I  
20 appreciate that background. I think it helps the  
21 Board kind of get to the big picture of the situation.

22 But, clearly, you've laid out -- and what I'd like to  
23 do -- of course, for a variance there is three tests  
24 that --

25 REVEREND MURRAY: Right.

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

8 REVEREND MURRAY: Right.

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

13 REVEREND MURRAY: It is.

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

16 REVEREND MURRAY: Right.

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

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

22 CHAIRPERSON GRIFFIS: An island.

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

25 CHAIRPERSON GRIFFIS: I see.

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

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

5 REVEREND MURRAY: Yes, from --

6 CHAIRPERSON GRIFFIS: Indeed.

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

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

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

16 CHAIRPERSON GRIFFIS: Okay.

17 REVEREND MURRAY: It's a long time ago.

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

20 REVEREND MURRAY: Yes.

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

24 REVEREND MURRAY: No, sir.

25 CHAIRPERSON GRIFFIS: -- without removing

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1 part of that building.

2 REVEREND MURRAY: Yes, sir.

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

8 REVEREND MURRAY: Yes, sir. Yes.

9 CHAIRPERSON GRIFFIS: You did.

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

12 CHAIRPERSON GRIFFIS: Oh, very good.

13 REVEREND MURRAY: Yes.

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

16 Board members, other questions?

17 MEMBER ZAIDAIN: Mr. Chair?

18 CHAIRPERSON GRIFFIS: Yes.

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

23 REVEREND MURRAY: At this present --

24 MEMBER ZAIDAIN: Right.

25 REVEREND MURRAY: Five years.

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

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

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

9                   REVEREND MURRAY:   Right.

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

14                  REVEREND MURRAY:   Okay.

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

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

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

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

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

8           CHAIRPERSON GRIFFIS: Okay.

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

11          CHAIRPERSON GRIFFIS: Good.

12          REVEREND MURRAY: Also, my lovely wife  
13 is --

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

16          REVEREND MURRAY: Right.

17          (Laughter.)

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

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

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

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

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

6 REVEREND MURRAY: Oh, okay.

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

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

12 REVEREND MURRAY: All right.

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

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

21 The building occupies a large portion of  
22 the property with only spaces for parking in the rear.

23 To the rear of the property is also an 11-foot wide  
24 alley.

25 As per Section 2101 of the zoning

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

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

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

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

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

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1 parking spaces.

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

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

13 Thank you, Mr. Chairman.

14 CHAIRPERSON GRIFFIS: Thank you very much.

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

17 REVEREND MURRAY: No, sir.

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

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

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

3 REVEREND MURRAY: That's correct.

4 (Laughter.)

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

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

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

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

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

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

6 REVEREND MURRAY: We had about 60 -- about  
7 60-some people.

8 CHAIRPERSON GRIFFIS: Okay.

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

11 CHAIRPERSON GRIFFIS: Right.

12 REVEREND MURRAY: So it is -- but this is  
13 -- right presently now, I might say if -- on a good  
14 day, let's say maybe Easter Sunday, as you know, when  
15 everybody goes to church, and Christmas, maybe about  
16 50 people.

17 CHAIRPERSON GRIFFIS: Okay.

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

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

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

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

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

17 CHAIRPERSON GRIFFIS: Good.

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

21 CHAIRPERSON GRIFFIS: Certainly.

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

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

3 CHAIRPERSON GRIFFIS: Okay.

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

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

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

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

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

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

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

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

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

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

19 REVEREND MURRAY: No problem.

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

22 REVEREND MURRAY: That's no problem.

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

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

3 MEMBER ETHERLY: Okay. Okay. No problem.

4 REVEREND MURRAY: Be honest.

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

9 REVEREND MURRAY: Yes.

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

17 REVEREND MURRAY: I do, sir.

18 MEMBER ETHERLY: -- for your congregation.

19 REVEREND MURRAY: Right. Yes.

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

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

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

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

3 MEMBER ETHERLY: Okay.

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

8 MEMBER ETHERLY: Okay.

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

12 MEMBER ETHERLY: Okay.

13 REVEREND MURRAY: -- this is how they --

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

16 REVEREND MURRAY: No, it's not.

17 MEMBER ETHERLY: -- overwhelming number.

18 REVEREND MURRAY: Not overwhelming, no.

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

21 REVEREND MURRAY: Yes.

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

25 REVEREND MURRAY: Yes, it's just --

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1 MEMBER ETHERLY: -- on Wednesday.

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

7 MEMBER ETHERLY: Okay.

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

11 MEMBER ETHERLY: All right.

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

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

16 REVEREND MURRAY: You're welcome.

17 MEMBER ETHERLY: Thank you, Mr. Chairman.

18 I was, once again, just trying to get a sense of the  
19 availability of the additional parking through Rite  
20 Aid, New Concept Reality, and Unique Auto Salon, and  
21 drawing the connection back to the fact that we're  
22 probably not looking at a substantial number of  
23 vehicles that are presently utilized in the  
24 congregation.

25 It sounds as though the congregation is

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

5 REVEREND MURRAY: Yes.

6 MEMBER ETHERLY: Great. Excellent. Thank  
7 you.

8 CHAIRPERSON GRIFFIS: Good.

9 VICE CHAIRPERSON RENSHAW: Mr. Chairman?

10 CHAIRPERSON GRIFFIS: Yes.

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

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

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

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

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1 VICE CHAIRPERSON RENSHAW: All right.

2 REVEREND MURRAY: That's not --

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

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

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

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

15 VICE CHAIRPERSON RENSHAW: Thank you.

16 REVEREND MURRAY: Yes, ma'am. Yes.

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

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

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

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

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

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

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

22 REVEREND MURRAY: No, sir.

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

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1 understand the representative is here today, is that  
2 correct?

3 REVEREND MURRAY: Yes.

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

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

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

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

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

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

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1 having it there.

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

4 MS. THOMPSON: Yes, we did.

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

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

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

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

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

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

22 MS. THOMPSON: Thank you.

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

1 MS. THOMPSON: Thank you very much.

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

6 MS. THOMPSON: That's right.

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

9 MS. THOMPSON: I promise.

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

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

14 REVEREND MURRAY: No, sir.

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

18 MS. THOMPSON: Okay. Thank you very much.

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

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

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

12           (Laughter.)

13           CHAIRPERSON GRIFFIS: Good.

14           REVEREND MURRAY: Thank you.

15           CHAIRPERSON GRIFFIS: Thank you very much.

16           Okay. Board members, what is your  
17 pleasure? Would you like to proceed today with this?

18           Okay. Then, I think it is appropriate to proceed  
19 this morning, and I would move approval of  
20 Application 16885 for the variance from offstreet  
21 parking requirements under Section 2101.1, to allow  
22 the conversion of a portion of an existing building to  
23 a church, which is located at 5533 Illinois Avenue,  
24 N.W., and ask for a second.

25           VICE CHAIRPERSON RENSHAW: Second.

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

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

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

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1 application.

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

5 (Chorus of ayes.)

6 And opposed?

7 (No response.)

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

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

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

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

23 REVEREND MURRAY: Summary order.

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

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

4 CHAIRPERSON GRIFFIS: Indeed.

5 MS. BAILEY: And that's it.

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

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

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

14 MS. BAILEY: The next case is Application  
15 Number 16888 of Zion Baptist Church, pursuant to  
16 11 DCMR 3104.1, for a special exception for a child  
17 development center for 45 children, the ages are six  
18 to 12 years, and five staff under Section 205, and a  
19 special exception to allow accessory parking spaces  
20 located elsewhere than on the same lot as the  
21 principal use under Section 2114. The property is  
22 located in an R-1-B District at premises 1219 44th  
23 Street, N.E., Square 5121, Lot 806.

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

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1 Please raise your right hand.

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

4 The applicant, please come forward.

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

8 MS. BAILEY: Yes, Mr. Chairman.

9 CHAIRPERSON GRIFFIS: Okay.

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

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

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

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

25 CHAIRPERSON GRIFFIS: I see. What was the

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1 date that you picked it up?

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

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

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

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

16 DEACON BURNS: Yes.

17 CHAIRPERSON GRIFFIS: -- to be on the  
18 affidavit.

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

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

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

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1 CHAIRPERSON GRIFFIS: Okay.

2 MR. BUFFO: There is evidence to  
3 support --

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

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

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

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

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

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

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

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1 permit.

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

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

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

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

25 Now, in terms of the neighborhood, we've

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

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

10 We also went to the Civic Association, and  
11 they approved it and wrote a letter in support of it.

12 Mr. Dalton Howard, who is the President of the Civic  
13 Association for Eastland Gardens, where we exist,  
14 supported it.

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

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

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

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

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

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

25 DEACON BURNS: We have eight, and I have

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1 pictures to show those spaces.

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

4 DEACON BURNS: Five days a week.

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

7 DEACON BURNS: No.

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

10 DEACON BURNS: 6:00 through 6:00.

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

15 DEACON BURNS: No.

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

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

20 CHAIRPERSON GRIFFIS: I see.

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

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

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1 DEACON BURNS: Six to 12.

2 CHAIRPERSON GRIFFIS: Six to 12. Okay.

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

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

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

9 CHAIRPERSON GRIFFIS: Okay.

10 DEACON BURNS: We stop at 12.

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

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

18 CHAIRPERSON GRIFFIS: How are you  
19 government-operated?

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

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

25 DEACON BURNS: Yes.

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1 CHAIRPERSON GRIFFIS: I see.

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

5 CHAIRPERSON GRIFFIS: I see.

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

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

10 DEACON BURNS: Six to 12.

11 CHAIRPERSON GRIFFIS: -- ages six to 12.

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

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

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

21 CHAIRPERSON GRIFFIS: I see.

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

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1 elementary school up at Parkside.

2 CHAIRPERSON GRIFFIS: Okay.

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

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

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

11 CHAIRPERSON GRIFFIS: I see.

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

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

18 DEACON BURNS: Yes.

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

22 DEACON BURNS: Yes.

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

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1 DEACON BURNS: Their parents drop them  
2 off.

3 CHAIRPERSON GRIFFIS: I see.

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

6 CHAIRPERSON GRIFFIS: Indeed.

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

10 CHAIRPERSON GRIFFIS: I see.

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

16 CHAIRPERSON GRIFFIS: I see. Okay. And  
17 the facility has been approved, as you've stated, for  
18 29 -- oh, let me also just state, I think you are  
19 fully aware, but the Certificate of Occupancy  
20 obviously --

21 DEACON BURNS: Yes.

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

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

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

6 CHAIRPERSON GRIFFIS: You're required  
7 by --

8 DEACON BURNS: By the government  
9 regulations.

10 CHAIRPERSON GRIFFIS: I see.

11 DEACON BURNS: You must have one to 15 --

12 CHAIRPERSON GRIFFIS: Indeed.

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

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

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

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

3 DEACON BURNS: No. Just for the summer.

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

6 DEACON BURNS: Twenty hours a week.

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

9 DEACON BURNS: They only work 20 hours.

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

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

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

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

24 DEACON BURNS: Yes.

25 CHAIRPERSON GRIFFIS: Okay. There is an

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

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

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

18 I'm going to ask you just to, again,  
19 describe -- and, in fact, we may need to have some  
20 submitted plan that shows where your outdoor play is.

21 But do you want to walk us through that? And let me,  
22 before I do that, do you --

23 DEACON BURNS: With the outdoor play  
24 areas --

25 CHAIRPERSON GRIFFIS: Yes.

1 DEACON BURNS: Yes, I have pictures of  
2 those.

3 CHAIRPERSON GRIFFIS: You do.

4 DEACON BURNS: Yes.

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

7 DEACON BURNS: Yes.

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

10 DEACON BURNS: Yes.

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

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

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

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

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

7 CHAIRPERSON GRIFFIS: These are very  
8 helpful.

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

13 CHAIRPERSON GRIFFIS: To the north?

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

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

20 DEACON BURNS: It's on --

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

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

25 CHAIRPERSON GRIFFIS: No, please. I'm

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

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

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

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

11 CHAIRPERSON GRIFFIS: Okay.

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

14 CHAIRPERSON GRIFFIS: Okay.

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

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

21 DEACON BURNS: I'll turn mine off.

22 CHAIRPERSON GRIFFIS: Indeed.

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

25 The Civic Association has met and

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

3 CHAIRPERSON GRIFFIS: Okay.

4 MR. HOWARD: -- child programs.

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

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

11 CHAIRPERSON GRIFFIS: Okay.

12 MR. HOWARD: No need for a long speech.

13 CHAIRPERSON GRIFFIS: Okay.

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

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

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

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

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

3 CHAIRPERSON GRIFFIS: Two and a half  
4 blocks.

5 MR. HOWARD: From the facility.

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

9 MR. HOWARD: It would be north.

10 CHAIRPERSON GRIFFIS: Yes, kind of north.

11 MR. HOWARD: It would be north.

12 CHAIRPERSON GRIFFIS: Northeast maybe.

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

15 CHAIRPERSON GRIFFIS: Yes.

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

18 CHAIRPERSON GRIFFIS: I see.

19 DEACON BURNS: Do you see it?

20 CHAIRPERSON GRIFFIS: Right.

21 DEACON BURNS: Kennilworth Elementary  
22 School.

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

25 DEACON BURNS: Foot.

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1 CHAIRPERSON GRIFFIS: They walk.

2 DEACON BURNS: Yes.

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

5 DEACON BURNS: Yes.

6 CHAIRPERSON GRIFFIS: Okay. Okay.

7 MR. HOWARD: If I might add --

8 CHAIRPERSON GRIFFIS: Yes.

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

12 CHAIRPERSON GRIFFIS: Right.

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

19 CHAIRPERSON GRIFFIS: Good.

20 MR. HOWARD: Yes.

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

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

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

5 DEACON BURNS: Right.

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

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

11 CHAIRPERSON GRIFFIS: Yes.

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

15 CHAIRPERSON GRIFFIS: I see.

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

20 CHAIRPERSON GRIFFIS: On the church  
21 property.

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

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

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1 immediately to the rear or towards Kennilworth Avenue.

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

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

9 DEACON BURNS: That's a parking space.

10 CHAIRPERSON GRIFFIS: It is a parking  
11 space.

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

14 CHAIRPERSON GRIFFIS: What makes it a  
15 parking space?

16 DEACON BURNS: We cemented it.

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

19 DEACON BURNS: It's paved.

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

22 MR. JACKSON: Just a clarification, that  
23 photograph was taken from '99. That aerial is from  
24 1999.

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

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1 your aerial.

2 CHAIRPERSON GRIFFIS: See what on the  
3 aerial?

4 DEACON BURNS: The paved area for the --

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

7 DEACON BURNS: Yes. For the van.

8 MEMBER ETHERLY: Mr. Chair?

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

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

15 CHAIRPERSON GRIFFIS: Yes.

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

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

25 Now, I believe what my colleague, Chairman

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

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

13 MEMBER ETHERLY: They said it didn't --

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

18 MEMBER ZAIDAIN: So just to clarify, just  
19 to kind of put it in a fundamental term here, the  
20 parking spot is going to be provided at  
21 1234 Kennilworth to serve --

22 DEACON BURNS: Yes.

23 MEMBER ZAIDAIN: -- the child development  
24 center.

25 DEACON BURNS: Yes. That's where --

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

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

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

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

17                   MEMBER ZAIDAIN: Okay. Well --

18                   DEACON BURNS: We probably will be coming  
19 back.

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

21                   DEACON BURNS: That's another whole --

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

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1 that, is going to be at 1234.

2 DEACON BURNS: That's right.

3 MEMBER ZAIDAIN: Good. Okay.

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

8 DEACON BURNS: Yes.

9 MEMBER ETHERLY: -- on the overhead map.

10 DEACON BURNS: Yes.

11 MEMBER ETHERLY: Okay. Thank you.

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

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

22 MEMBER ETHERLY: Mr. Chair?

23 CHAIRPERSON GRIFFIS: Yes.

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

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

4 DEACON BURNS: Do you mean for the --

5 MEMBER ETHERLY: The concrete space  
6 right --

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

9 MEMBER ETHERLY: That's only one space.

10 DEACON BURNS: Yes, that's one.

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

13 DEACON BURNS: Right.

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

16 DEACON BURNS: Yes.

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

20 DEACON BURNS: Yes.

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

25 DEACON BURNS: We designated it -- we've

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1 designated three for the 1219 property.

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

4 DEACON BURNS: Right.

5 MEMBER ETHERLY: -- at 1234.

6 DEACON BURNS: Right.

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

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

11 DEACON BURNS: Not unless you have any.

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

19 So with that, we welcome Office of  
20 Planning.

21 MR. JACKSON: Mr. Chairman, I apologize  
22 for the delay in arriving. I was in another meeting.

23 But briefly, I will go through my report. Since the  
24 -- since you have it before you, I will just highlight  
25 -- identify the highlights and then open myself for

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1 questions on the recommendation.

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

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

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

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

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

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

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

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

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

25 I would note that one of the agencies that

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

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

13 One is that a Certificate of Occupancy for  
14 the proposed use must be approved within 30 days of  
15 the final order, that the use is approved for three  
16 years from the date of the final order, that the  
17 number of students licensed should not exceed 29, that  
18 the number of teachers and staff should not exceed  
19 five, and that the normal hours of operation would be  
20 6:00 a.m. to 6:00 p.m., Monday through Friday, except  
21 that the center would remain open as long as possible  
22 for children to be picked up, and that the applicant  
23 comply with all of the applicable regulations  
24 concerning licenses of day care centers or child care  
25 centers.

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

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

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

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

25           CHAIRPERSON GRIFFIS:       Good.     A quick

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1 clarification -- clearly, in compliance with 205.9 and  
2 205.10, the proper referral for review and reports has  
3 been made to the agencies. And as you've stated, we  
4 don't have the requirements for approval of those in  
5 that some of those will have to take place after our  
6 approval.

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

10 CHAIRPERSON GRIFFIS: Good.

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

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

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

25 DEACON BURNS: You said 1235. You said

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1 1235.

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

3 DEACON BURNS: You meant -- okay.

4 MR. JACKSON: That's my error.

5 DEACON BURNS: Okay.

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

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

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

17 MR. JACKSON: Yes.

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

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

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1 was the reasoning for the three-year requirement  
2 again?

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

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

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

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

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1 community.

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

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

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

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

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

19 VICE CHAIRPERSON RENSHAW: I do have --

20 CHAIRPERSON GRIFFIS: Yes.

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

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1 MR. JACKSON: I tried, yes.

2 VICE CHAIRPERSON RENSHAW: Tried by phone  
3 or by mail?

4 MR. JACKSON: By phone.

5 VICE CHAIRPERSON RENSHAW: By phone.

6 MR. JACKSON: Yes.

7 VICE CHAIRPERSON RENSHAW: And no response  
8 whatsoever?

9 MR. JACKSON: None.

10 VICE CHAIRPERSON RENSHAW: Thank you.

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

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

15 MR. HOWARD: Yes.

16 CHAIRPERSON GRIFFIS: Okay.

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

19 CHAIRPERSON GRIFFIS: Okay. From your  
20 community association.

21 MR. HOWARD: The civic association.

22 CHAIRPERSON GRIFFIS: The civic  
23 association.

24 MR. HOWARD: Eastland Gardens Civic  
25 Association.

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1 CHAIRPERSON GRIFFIS: Okay.

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

7 CHAIRPERSON GRIFFIS: I see.

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

11 CHAIRPERSON GRIFFIS: I see.

12 MR. HOWARD: Yes.

13 CHAIRPERSON GRIFFIS: Good. Okay.

14 MR. HOWARD: Thank you.

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

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

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1 Do you have this report?

2 DEACON BURNS: Yes.

3 CHAIRPERSON GRIFFIS: Okay.

4 DEACON BURNS: I think we do.

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

8 MR. JACKSON: That's not it.

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

12 Do Board members have any questions of it?

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

19 Do we have any other government reports?

20 It's already been established that the ANC has not  
21 made a report.

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

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

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

8 CHAIRPERSON GRIFFIS: Correct.

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

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

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

22 CHAIRPERSON GRIFFIS: Excellent.

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

25 CHAIRPERSON GRIFFIS: Right. And this

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

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

6 CHAIRPERSON GRIFFIS: Indeed.

7 (Laughter.)

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

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

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

16 CHAIRPERSON GRIFFIS: Okay.

17 DEACON BURNS: So if you have any  
18 questions.

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

25 This survey is probably what established

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

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

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

9 MR. TOLSON: Hi. Good morning.

10 CHAIRPERSON GRIFFIS: Good morning.

11 MR. TOLSON: My name is Antonio Tolson,  
12 and I live at 4256 Meade Street, N.E., Washington,  
13 D.C. 20019. And I originally came down in opposition.

14 However, it was in opposition of the satellite  
15 property --

16 CHAIRPERSON GRIFFIS: Yes.

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

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

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

4 CHAIRPERSON GRIFFIS: There's no --

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

7 CHAIRPERSON GRIFFIS: Indeed.

8 MR. TOLSON: Yes.

9 CHAIRPERSON GRIFFIS: Okay.

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

12 CHAIRPERSON GRIFFIS: Okay.

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

15 MEMBER ZAIDAIN: So what is it now?

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

20 MEMBER ZAIDAIN: Right.

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

23 CHAIRPERSON GRIFFIS: At 55 miles an hour.

24 MR. TOLSON: Yes, exactly.

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

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1 MR. TOLSON: They need to stop.

2 MEMBER ZAIDAIN: -- what is the current  
3 situation?

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

7 CHAIRPERSON GRIFFIS: Nash is the right of  
8 way.

9 MEMBER ZAIDAIN: Oh, okay, I see.

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

16 CHAIRPERSON GRIFFIS: Right.

17 MR. TOLSON: Very easily.

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

20 MR. TOLSON: Yes.

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

23 MR. TOLSON: No, Nash does not.

24 CHAIRPERSON GRIFFIS: And your concern  
25 is --

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

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

5 MR. TOLSON: Oh, yes.

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

9 MR. TOLSON: Yes.

10 CHAIRPERSON GRIFFIS: Is that correct?

11 MR. TOLSON: Yes.

12 CHAIRPERSON GRIFFIS: Okay.

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

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

23 MR. TOLSON: Precisely.

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

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

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

9 (Laughter.)

10 MR. TOLSON: Okay.

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

25 And, obviously, it's one letter that can

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

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

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

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

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

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

25 CHAIRPERSON GRIFFIS: Indeed.

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

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

7                   CHAIRPERSON GRIFFIS:   Okay.   Good.

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

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

14                  MEMBER ETHERLY:   Mr. Chair, just, once  
15 again, to echo some positive comments that were made  
16 about the Office of Planning report -- very detailed.

17                  Note that Exhibit Number 7 is a petition that was  
18 submitted by Zion Baptist Church with a number of  
19 residents from Eastland Gardens who are in support of  
20 the application.   So I just wanted to note that for  
21 the record.

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

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

3 Let me ask the applicant just to walk us  
4 through, again, where parents would drop off children.

5 It's my understanding it would be on the 44th Street  
6 side. Is that correct?

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

10 CHAIRPERSON GRIFFIS: Oh, I see.

11 DEACON BURNS: And drop off at that door.

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

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

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

19 DEACON BURNS: Yes.

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

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1 very important point.

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

4 CHAIRPERSON GRIFFIS: Yes.

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

7 CHAIRPERSON GRIFFIS: Yes.

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

11 CHAIRPERSON GRIFFIS: Excellent. Okay.

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

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

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

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1 experience of government working with us.

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

9 Yield to the pastor.

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

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

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1                   And I thank you for all that you're doing.

2                   I thank you for the opportunity to be heard. And we  
3 plan on being a beacon in Eastland Gardens and far  
4 beyond that community also.

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

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

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

23                  Thank you very much.

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

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

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

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

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

15 (Laughter.)

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

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

3                   CHAIRPERSON GRIFFIS:     Thank you, Mr.  
4                   Etherly.

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

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

15                  MEMBER ETHERLY:     So seconded.

16                  CHAIRPERSON GRIFFIS:     Good. Thank you.

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

25                  That has been clearly stated as actually

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

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

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

16 (Chorus of ayes.)

17 And opposed?

18 (No response.)

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

21 DEACON BURNS: Yes, sir.

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

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

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

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

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

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

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

21

22

23