

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

JUNE 8, 2004

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 1:00 p.m., Ruthanne Miller, Vice Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

RUTHANNE G. MILLER	Vice Chairperson
CURTIS ETHERLY, JR.	Board Member
JOHN A. MANN, II	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

JOHN G. PARSONS	Commissioner (NPS)
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OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Acting Secretary
JOHN NYARKU	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOHN MOORE	Office of Planning
TRAVIS PARKER	Office of Planning

OFFICE OF THE ATTORNEY-GENERAL STAFF PRESENT:

JANICE SKIPPER, ESQ.

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

<u>AGENDA ITEM</u>	<u>PAGE</u>
<u>CALL TO ORDER:</u>	
Ruthanne Miller	3
 <u>AMAZING LIFE GAMES PRE-SCHOOL, INC.</u>	
<u>APPLICATION NO. 17163 - ANC-4C:</u>	7
<u>WITNESSES:</u>	
George Keys	13
Pickett Craddock	14
Meade Hanna	61
<u>CROSS:</u>	71
<u>OFFICE OF PLANNING:</u>	
John Moore	84
 <u>PUBLIC STORAGE, INC.</u>	
<u>APPLICATION NO. 17165 - ANC-5B:</u>	100
<u>WITNESSES:</u>	
Christopher Collins	100
Osborne George	103
<u>OFFICE OF PLANNING:</u>	
Travis Parker	113
<u>CLOSING REMARKS:</u>	
Christopher Collins	115
<u>SPECIFICALLY REQUESTED MATERIAL:</u>	121
 <u>APPLICATION NO. 17163 - CONTINUED:</u>	
<u>CROSS EXAM OF JOHN MOORE:</u>	131
 <u>ADJOURN:</u>	
Ruthanne Miller	163

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

2:18 p.m.

1
2
3 VICE CHAIR MILLER: When you are finished
4 speaking, please, turn your microphone off, so that
5 your microphone is no longer picking up sound or
6 background noise. All persons planning to testify
7 either in favor or in opposition are to fill out two
8 witness cards. These cards are located to my left on
9 the table near the door and on the witness tables.
10 Upon coming forward to speak to the Board, please,
11 give both cards to the reporter sitting to my right.

12 The order of procedure for special
13 exceptions and variances is: (1) Statement and witness
14 of the applicant; (2) Government reports, including
15 Office of Planning, Department of Public Works,
16 etcetera; (3) Report of the Advisory Neighborhood
17 Commission; (4) Parties or persons in support; (5)
18 Parties or persons in opposition; (6) Closing remarks
19 by the applicant.

20 Pursuant to Sections 3117.4 and 3117.5,
21 the following time constraints may be maintained. The
22 applicant, appellant, persons and parties, except an
23 ANC, in support, including witnesses may be given 60
24 minutes collectively. Appellees, persons and parties,
25 except an ANC, in opposition, including witnesses 60

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1 minutes collectively. Individuals three minutes.
2 These time constraints do not include cross
3 examination and/or questions from the Board.

4 Cross examination of witnesses is
5 permitted by the applicant or parties. The ANC within
6 which the property is located is automatically a party
7 in a special exception or variance case. Nothing
8 prohibits the Board from placing reasonable
9 restrictions on cross examination, including time
10 limits and limitations on the scope of cross
11 examination.

12 The record will be closed at the
13 conclusion of each case, except for any material
14 specifically requested by the Board. The Board and
15 the Staff will specify at the end of the hearing
16 exactly what is expected and the date when the persons
17 must submit the evidence to the Office of Zoning.
18 After the record is closed, no other information will
19 be accepted by the Board.

20 The Sunshine Act requires that the Public
21 Hearing on each case be held in the open before the
22 public. The Board may consistent with its Rules of
23 Procedure and the Sunshine Act enter Executive Session
24 during or after the Public Hearing on a case for
25 purposes of reviewing the record or deliberating on

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

6 Please, turn off all beepers and cell
7 phones at this time, so not to disrupt these
8 proceedings. Okay. At this time, the Board will
9 consider any preliminary matters. Preliminary matters
10 are those that relate to whether a case will or should
11 be heard today, such as requests for postponement,
12 continuances or withdrawal or whether proper and
13 adequate notice of the hearing has been given. If you
14 are not prepared to go forward with a case today or if
15 you believe that the Board should not proceed, now is
16 the time to raise such a matter.

17 Does the Staff have any preliminary
18 matters?

19 MR. MOY: Not at this time, Madam Chair.
20 We do have matters on a case specific basis.

21 VICE CHAIR MILLER: Okay. Then why don't
22 we proceed with the agenda?

23 MR. MOY: All right. Before I do that,
24 would it be the desire of the Board to swear in people
25 who will be testifying today?

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1 VICE CHAIR MILLER: Yes, yes. So would
2 all individuals wishing to testify today, please, rise
3 to take the oath?

4 (Whereupon, the witnesses were sworn.)

5 MR. MOY: Madam Chair, I would like to add
6 before we proceed that in the third case of the
7 afternoon that we have a letter, Exhibit 33, from the
8 applicant amending the application.

9 VICE CHAIR MILLER: Do we all have that
10 before us? Let me check my file then. Okay. Mr.
11 Moy?

12 MR. MOY: It's unclear to Staff whether
13 they are amending the application that would change
14 the status of the application to this Board.

15 VICE CHAIR MILLER: Okay. Then perhaps it
16 might be a good idea for them to come forward and we
17 can clarify that.

18 MR. MOY: Yes, please.

19 VICE CHAIR MILLER: To see whether we will
20 be hearing that case this afternoon or not. Okay. So
21 would the applicant for Application No. 17166 come
22 forward if you are here? Okay. We probably won't be
23 hearing this case then this afternoon, so why don't we
24 call the first case.

25 MR. MOY: Okay. The first case then,

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1 Madam Chair, is Application No. 17163 of Amazing Life
2 Games Pre-School, Inc., pursuant to 11 DCMR 3104.1,
3 for a special exception to establish a child
4 development center, 28 children, 4 staff and 1 or 2
5 parent volunteers, under section 205 in the R-1-B
6 District at premises 1309 Farragut Street, N.W.,
7 Square 2806, Lot 76. Staff would like to remind the
8 Board that there are two requests for party status.

9 VICE CHAIR MILLER: Thank you. Would the
10 parties at the table, please, introduce themselves?

11 MR. KEYS: George Keys. Jordan and Keys,
12 counsel for the applicant.

13 MS. CRADDOCK: Pickett Craddock, Director
14 of Amazing Life Games Pre-School. Do I give my
15 address, at this point?

16 VICE CHAIR MILLER: Yes, please.

17 MS. CRADDOCK: It's 3316 North 21st Avenue,
18 Arlington, Virginia.

19 VICE CHAIR MILLER: Thank you.

20 MR. HARRIS: Earl Harris. I'm a parent
21 and also a neighbor of the school. I live at 1509
22 Gallatin Street, N.W.

23 VICE CHAIR MILLER: Now, you are a party
24 in this case?

25 MR. HARRIS: Yes, I am. Yes, ma'am.

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1 VICE CHAIR MILLER: In what sense?

2 MR. HARRIS: I am a parent, a current
3 parent of the Amazing Life Games Pre-School.

4 MR. KEYS: Excuse me, Madam Chair. He is
5 one of the witnesses that we are going to be bringing
6 forward.

7 VICE CHAIR MILLER: Witness. Okay. Thank
8 you. Is the ANC here? A representative of the ANC
9 here? Could you just come forward and state your name
10 for the record?

11 MS. MITCHELL: I'm Jackie Mitchell, ANC-
12 4C.

13 VICE CHAIR MILLER: Thank you. Okay.
14 What we want to do first is establish the parties in
15 the case, so I see we have one party status
16 application from Mabel Roberts. Is she here? Could
17 you come forward to the table, please?

18 COMMISSIONER PARSONS: Madam Chairman, I
19 have reviewed these. We have an application from the
20 Farragut Street Block Club, which is this 1300 block
21 of Farragut Street, which seems to me to be in order.

22 Ms. Roberts is a resident of the same block, and I
23 don't see from her application that she would be in
24 any way uniquely affected beyond the neighbors in the
25 Block Club, and therefore would recommend that she not

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1 be granted specific party status, but be a part of and
2 be represented by the Block Club. She did not sign
3 the petition of the Block Club, I might add, but most
4 of her neighbors apparently did. She is 120 feet
5 away. It is not as though she is an abutter and that
6 would be my recommendation.

7 VICE CHAIR MILLER: I think that's a good
8 point. Ms. Roberts, would you like to respond to
9 that? You did sign the petition? Okay. Then you
10 will be -- your interests will be represented by that
11 organization.

12 MS. ROBERTS: I will be.

13 VICE CHAIR MILLER: Is that sufficient?

14 MS. ROBERTS: Right.

15 VICE CHAIR MILLER: For your purposes?
16 Okay. Fine.

17 COMMISSIONER PARSONS: But somebody
18 crossed your name off, isn't that too bad. Have you
19 seen this?

20 MS. ROBERTS: No.

21 COMMISSIONER PARSONS: Well, our copy has
22 your name, you are the last one to have signed it, and
23 they struck your name through. I hope our Staff
24 didn't. Anyway, you are --

25 MS. ROBERTS: I am.

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1 COMMISSIONER PARSONS: -- willing to
2 accept that --

3 MS. ROBERTS: I am opposing it.

4 COMMISSIONER PARSONS: Oh, yes.

5 VICE CHAIR MILLER: Do we have a
6 representative of this Farragut Street group present?

7 MR. MORROW: Yes.

8 VICE CHAIR MILLER: Would you come
9 forward, please?

10 MR. MORROW: Charles Morrow representing
11 the 1300 Block, Farragut Street Block Club.

12 VICE CHAIR MILLER: And could you describe
13 your members? Are they residents, the Block Club?

14 MR. MORROW: These are the residents that
15 live on the block within the 200 feet restriction, as
16 well as outside of that, but on that unique block.

17 VICE CHAIR MILLER: Okay. And will you be
18 representing other residents then, those that have
19 signed this form that you have submitted?

20 MR. MORROW: No.

21 VICE CHAIR MILLER: Okay.

22 MR. MORROW: Well, I'm not exactly sure.
23 Some people have signed to be party witnesses and so
24 they are going to testify on their own behalf.
25 However, we have mutual interests, so to the extent

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1 that what I say represents them, then certainly it
2 would be utilized for that purpose.

3 VICE CHAIR MILLER: Okay. But you are
4 purporting to represent the people who have signed
5 this form. Is that correct?

6 MR. MORROW: That's correct.

7 VICE CHAIR MILLER: Okay. Does the
8 applicant have any objection to granting party status
9 to this group?

10 MR. KEYS: I have no objection, Madam
11 Chair, if what I understand you to be saying is that
12 Mr. Morrow will be speaking for them and that people
13 who are represented on this petition will then not
14 also be testifying separately or is that --

15 VICE CHAIR MILLER: This group will be a
16 party. As a party, they are able to present
17 witnesses, but these individuals who are on this form
18 will not be able to participate as a party separately.

19 They will not be able to call witnesses or put in
20 evidence.

21 MR. KEYS: But they could individually
22 testify?

23 VICE CHAIR MILLER: They could testify if
24 the party calls them as a witness. Just as if you
25 call a witness.

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1 MR. KEYS: I see.

2 VICE CHAIR MILLER: This club will be a
3 party with all the same rights as other parties in the
4 case.

5 BOARD MEMBER ETHERLY: But, Mr. Keys, are
6 you inquiring as to whether individuals who might be
7 affiliated with the Farragut Street Block Club might
8 want to offer testimony just as individuals at that
9 point during the proceeding?

10 MR. KEYS: That's exactly -- that's
11 exactly my question.

12 BOARD MEMBER ETHERLY: And what I'm
13 interested in is I anticipate from the length of this
14 list and the number of people who indicated they were
15 testifying, a fair potential for cumulative and
16 duplicative testimony.

17 VICE CHAIR MILLER: Let me just say this.
18 I mean, we preside over that and we have all the
19 authority to prevent duplicative testimony. But, in
20 fact, when we have one group representing several
21 neighbors, instead of different neighbors representing
22 themselves, it's usually more efficient and they
23 organize their testimony so that it isn't duplicative.

24 MR. KEYS: I appreciate that, Madam Chair.

25 VICE CHAIR MILLER: Okay. So I would be

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1 inclined to grant party status to the Farragut Street
2 Block Club. How about my colleagues?

3 BOARD MEMBER ETHERLY: No objection, Madam
4 Chair.

5 COMMISSIONER PARSONS: I agree.

6 VICE CHAIR MILLER: Okay. Then party
7 status is granted. Why don't we proceed with your
8 case?

9 MS. CRADDOCK: I'm Pickett Craddock.

10 VICE CHAIR MILLER: Sorry, do we have a
11 representative of the ANC here? Okay. Did you have
12 any objection to granting party status? I forgot to
13 ask you. Okay. Thank you. Okay.

14 MR. KEYS: Madam Chair, I'm George Keys
15 representing the applicant. This case is the
16 application of Amazing Games -- Life Games Pre-School
17 to apply under section 205 for a special exception to
18 locate a child development center for not more than 28
19 children at 1309 Farragut Street. This case is one
20 that every special exception involves the applicant
21 demonstrating compliance with specific objective
22 standards to show that it can operate and function
23 within the framework established by section 205.

24 We have developed information and evidence
25 that we will present today, some of which is included

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1 in our application and in the supplemental
2 information, that we think responds exactly to the
3 requirements of section 205. This is an application
4 that has obviously generated a fair amount of
5 controversy. We have gone over the numerous
6 statements of opposition that are in the record, and I
7 have to say that there is more heat than light in
8 those statements.

9 And I think what we are going to be trying
10 to do is to demonstrate and to show concretely how
11 this applicant's case meets the standards. And I
12 would encourage the Board to the extent that it is
13 willing or feels able to ask questions of those who
14 testify to help illumine the real basis for objection
15 in this case. I have three witnesses to present and I
16 think they will be useful for the Board to understand
17 the nature of the applicant, the proposed use of the
18 property and the light impact this particular use has
19 in this community.

20 The first witness I would like to ask to
21 speak to the question is Pickett Craddock, who is the
22 Director of the pre-school. Ms. Craddock, would you
23 introduce yourself and, please, go on with your
24 prepared comment.

25 MS. CRADDOCK: I'm Pickett Craddock. I'm

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1 Director of Amazing Life Games Pre-School. I have
2 been with the school since six months after it started
3 in 1971 at 16th and Taylor in a church. After that
4 location, we have been in houses exclusively. We came
5 to 1844 Mintwood in 1975, and this current location
6 backs on Kalorama Park. Houses have really suited us,
7 because we like to generate a family like feeling. We
8 are licensed for 20 people, and this has not changed
9 during our entire stay at Mintwood Plex.

10 We have become -- we became a cooperative
11 pre-school in 1995, by which I mean that parents work
12 in the classroom, on the board, they run the school,
13 and this also adds to our family like feeling, because
14 all of the children in the classroom know the parents
15 and the parents know the children. We keep staff for
16 a long time. Myself for 33 years, Jose for 25,
17 Natasha for 5 and Allen for 7.

18 Our staff reflects diversity and our
19 population of children is diverse. We feel this is
20 important because the more different kinds of people a
21 child is used to as a child, the more different kinds
22 of people they are comfortable with as an adult. Our
23 focus is learning how to play together and resolve the
24 inevitable problems that come up between people. We
25 are a low budget, non-profit and most of our income

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1 goes toward teacher salaries, which are not high.
2 There is really no cushion in our budget.

3 We are licensed in the District of
4 Columbia and we also are accredited by the National
5 Association for the Education of Young Children. We
6 want to relocate, because our rent was rising and we
7 felt our landlord did not have the financial stability
8 to make proper repairs that were necessary to ensure a
9 safe environment for the children. Finding a house
10 near a park was a key ingredient, especially since we
11 were so used to being right next to a park.

12 We could not afford a space in Adams
13 Morgan, that was beyond our abilities. We were
14 getting --

15 VICE CHAIR MILLER: Can I just interrupt
16 you? You did have a space in Adams Morgan that you
17 could afford.

18 MS. CRADDOCK: A rental space.

19 VICE CHAIR MILLER: Oh, you're looking to
20 buy?

21 MS. CRADDOCK: Yes.

22 VICE CHAIR MILLER: Okay. But you could
23 afford to rent in Adams Morgan. Is that correct?

24 MS. CRADDOCK: Well, we were having
25 problems with the rent increases. We hoped to have

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1 more stability in a purchased building. We were
2 getting more and more students from ZIP Code 20011 and
3 it was a neighborhood where we could possibly afford
4 to buy and bus transportation was good to that area,
5 and it looked like an ideal area. We discovered
6 Hamilton Street Park, which is not too crowded, it has
7 lots of trees.

8 There is new play equipment with good
9 fencing, which is important in making sure the
10 children are safe, spiral slides, swings, firepole,
11 good basic play structure, basketball courts, soccer
12 field. We started looking for an affordable house in
13 the Hamilton Street Park area, some place we could
14 walk to Hamilton Park from. We looked at a house
15 across from Hamilton Park and we even had licensing go
16 through it with us to make sure it was licensable, but
17 we couldn't act quickly enough and the house was sold.

18 Then we found 1309 Farragut and we got
19 financing and we talked to licensing and the fire
20 department to make sure we could use the space and the
21 sellers were determined to close by the end of the
22 year, so we didn't have a lot of time. We talked to
23 the immediately neighbors and they seemed friendly.
24 We knew we could not make the sale of the house
25 contingent on getting an exception and on getting

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1 permits, because it would take too long and the owners
2 would never hold the house for that length or period,
3 not in today's real estate market.

4 So we knew we were taking a financial
5 gamble, but we didn't have much time to make our
6 decision and we had checked with the District and the
7 licensing area and the neighbors seemed to be
8 friendly. We also knew we didn't need to make many
9 external changes to the building for licensing. We
10 needed to add another door to the basement, which we
11 could do in the back, and we needed to make the
12 interior stair to the second floor a dedicated stair
13 with exit lights and fire doors.

14 Our enrollment is capped by the size of
15 the building. 28 children, because we need 35 square
16 feet per child. And we had, as I said before, the
17 years we were in Mintwood Place, we kept the same
18 amount of children on a daily basis. We always had 20
19 children there, and so we were hoping to up it to 28
20 in this new space.

21 I would like to tell you a little bit
22 about a typical day at Amazing Life Games. The staff
23 and co-ops arrive at 8:30. In this blue book, if
24 you look at picture one, this is an 8:30 picture on a
25 Wednesday, and then if you also look at page 2 of the

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1 pictures, that is about an 8:30 picture, and then page
2 5 and then page 7. Those are all about 8:30.

3 MR. KEYS: Ms. Craddock, I think it would
4 be helpful to the Board if you were able to identify
5 the pictures, not by page number, because I don't
6 think they are page numbered, but perhaps by date and
7 time.

8 MS. CRADDOCK: Okay.

9 MR. KEYS: If you want to make reference
10 to a particular picture. And for Board Members, this
11 appears in the supplemental information that was filed
12 in the case.

13 VICE CHAIR MILLER: I'm looking at it now.

14 It should be obvious, but it isn't to me. Which
15 neighborhood is this in that the pictures are of?

16 MS. CRADDOCK: This is Farragut Street,
17 1309 Farragut Street. Well, it is Farragut Street.
18 The first picture is Farragut Street from 13th toward
19 14th, and that is on the 17th, which is a Wednesday.
20 The 17th of March at 8:35, and that is about the time
21 that staff and co-ops would be arriving.

22 MR. KEYS: Ms. Craddock, rather than
23 referencing the pictures, why don't you finish the
24 typical day? And I think we can organize our
25 testimony better if we come back to those at a later

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1 point.

2 MS. CRADDOCK: Okay.

3 MR. KEYS: Could you pick it up with the
4 staff arrival?

5 MS. CRADDOCK: Okay. Sure. Staff and co-
6 operators arrive at 8:30 a.m. There are two parking
7 spaces in the garage of the building and one staff
8 member does not drive. Parents arrive with their
9 children between 8:45 and 9:30. Now, two days a week
10 on Farragut Street are street cleaning days in which
11 one side of the street is -- you are not allowed to
12 park between 9:30 and 11:30. Now, parent drop-off
13 would be between 8:45 and 9:30, so that side of the
14 street would be available for parking.

15 Currently, nine families walk to school, a
16 few take a bike, two families bike to school. By
17 bike, I mean, the parents bike and they have the child
18 in a car seat in the back of the bike or in a trailer
19 behind the bike. Three families carpool and 10
20 families drive. If five families came, you know, this
21 is talking about 28 kids. If five families came every
22 10 minutes and parked and dropped off, certainly five
23 parking spaces would be available. That would be 20.

24 MR. KEYS: Stick with the data.

25 MS. CRADDOCK: Okay.

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1 MR. KEYS: Don't worry about parking.

2 MS. CRADDOCK: Okay. We keep our families
3 for two years, unless they have several children. So
4 every two years we have a totally different group of
5 parents from different geographical locations.

6 VICE CHAIR MILLER: Let me interrupt you.
7 Basically, you're saying --

8 MS. CRADDOCK: I'm confusing you.

9 VICE CHAIR MILLER: No, but you are
10 talking your school is in Adams Morgan right now and
11 you want to move to this new neighborhood.

12 MS. CRADDOCK: Yes.

13 VICE CHAIR MILLER: Okay. So you were
14 showing us pictures of this new neighborhood, which
15 looks like okay, it's a quiet residential street or
16 whatever. I'm not sure how you are proving your
17 tests. And my other question or statement goes to,
18 you know, the fact that some bike to school right now
19 doesn't mean they are going to bike to school in this
20 new neighborhood.

21 MS. CRADDOCK: Actually, they are closer
22 to the new neighborhood than they are now.

23 VICE CHAIR MILLER: Okay. So maybe if you
24 can kind of gear your testimony to some of the points
25 that you want us to hear, you know, to make your case.

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1 Because I think what is happening is, you know,
2 you're making some statements about a typical day or
3 whatever and it's not really, from one Board Member,
4 reaching me with respect to well, how does that make
5 your special exception case. You know, the fact that
6 some people might bike to school right now doesn't
7 show me how there is not going to be a traffic problem
8 in the new neighborhood. I'm sorry, I just wanted to
9 let you know where some of my perplexity was coming
10 from.

11 MR. KEYS: Madam Chair, I think I can help
12 with that. I think she is trying to do too many
13 things with her testimony and we need to simplify it,
14 because these things do relate to the case. It is
15 important to establish the typical day, because that
16 establishes the critical times when there is a
17 transportation connection to this site, and so I want
18 to get her through the typical day, and I think she
19 stopped at about the time pan that parents bring
20 children, which is 8:45 to 9:30 in the morning. And
21 do I understand you, Ms. Craddock, that you are saying
22 that there is no one start time. It's not like a
23 public school where people tend to arrive right at the
24 bell. It is a staggered beginning for the day?

25 MS. CRADDOCK: That's true.

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1 BOARD MEMBER ETHERLY: And if I could and
2 I apologize for interrupting as well as we go through
3 the testimony, because it was helpful, Ms. Craddock,
4 we don't mean to interrupt, but I think there are some
5 very critical questions to help kind of flesh out. As
6 you noted, Mr. Keys, how that day works. If I could
7 just for a quick moment, let me back up to staff and
8 just be clear on the staff part, because that was the
9 very important first part of the day.

10 MS. CRADDOCK: Okay.

11 BOARD MEMBER ETHERLY: Getting your
12 employees there. You have four staff members now who
13 are on site, correct?

14 MS. CRADDOCK: That's correct.

15 BOARD MEMBER ETHERLY: Okay. And you
16 noted that of those four, two drive or just one that
17 you are aware of that uses -- that would use one of
18 the parking spaces?

19 MS. CRADDOCK: There are three of us
20 drive. One person is currently dropped off and his
21 wife goes on to another location. Two of us drive to
22 the site currently and one person walks.

23 BOARD MEMBER ETHERLY: Okay. So let me
24 make sure I'm clear. So three staff members have
25 vehicles and would continue to use them at the new

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1 property?

2 MS. CRADDOCK: Well, I assume so, yes.

3 BOARD MEMBER ETHERLY: Okay. Okay. And
4 then one would be dropped off?

5 MS. CRADDOCK: No. One walks, two are
6 currently using vehicles and one gets dropped off.

7 BOARD MEMBER ETHERLY: Gotcha. Okay. One
8 drop-off, one walk, two would probably drive to the
9 new location.

10 MS. CRADDOCK: Yes, yes.

11 BOARD MEMBER ETHERLY: Okay. And that
12 arrival would happen by 8:30 a.m.?

13 MS. CRADDOCK: That's correct.

14 BOARD MEMBER ETHERLY: On every day, that
15 would be Monday through Friday?

16 MS. CRADDOCK: That is correct.

17 BOARD MEMBER ETHERLY: Okay. And then
18 8:45 to 9:30 is when you would begin your proposed
19 drop-off period?

20 MS. CRADDOCK: That is true.

21 BOARD MEMBER ETHERLY: Okay. Okay. And
22 in terms of numbers and you're probably heading in
23 this direction, Mr. Keys, help us understand in terms
24 of your enrollment, because you also noted in the
25 submissions that you do work, you operate as a

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1 cooperative center, so you have parental involvement.

2 Help us understand how many of those parents would
3 then be driving to the proposed new property as well.

4 MS. CRADDOCK: The co-oping parent would
5 come at 8:30, probably with their child.

6 BOARD MEMBER ETHERLY: Okay.

7 MS. CRADDOCK: And that would be a parking
8 situation.

9 BOARD MEMBER ETHERLY: Okay. Okay. So
10 one --

11 MS. CRADDOCK: Or, you know, sometimes it
12 might be a bike rider or it might be someone that
13 walked, but the co-oping parent and the child would be
14 there at 8:30.

15 BOARD MEMBER ETHERLY: Okay. And it is
16 typically the case that you have one parent who is co-
17 oping at any given time?

18 MS. CRADDOCK: That is currently the way
19 the school functions.

20 BOARD MEMBER ETHERLY: Okay. Okay.
21 Gotcha. Okay. I think I'm clear on the 8:30 to 8:45
22 time frame. I just wanted to be sure I understood
23 that little chunk of time.

24 VICE CHAIR MILLER: You know, and I
25 apologize, because I think it is hard to come before a

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1 Board and, you know, I'm sure you're nervous and I
2 don't mean to jump on you. What I want to do is just
3 try to focus, you know, your testimony so that you
4 meet the issues that we have to decide. And I think
5 that my colleague, Mr. Etherly was helpful, I think,
6 in helping to focus what you are saying about the
7 staff and the drop offs. And so now what I'm left
8 with is okay, we have the staff taken care of, plus
9 one child with a parent, which would leave 27 other
10 children who will be coming to the school. Is that
11 correct during a typical day, because there are 28
12 children in the school?

13 MS. CRADDOCK: Yes.

14 VICE CHAIR MILLER: Okay, what times? Are
15 those 27 coming all at once in the morning or are some
16 in the morning, some in the afternoon? If you can
17 kind of, you know, answer that, that would be helpful.

18 MS. CRADDOCK: The 27 children would come
19 between 8:45 and 9:30 in most instances. You might
20 have a child or two that come a little later.
21 Currently, nine kids walk to school, two come by bus.

22 VICE CHAIR MILLER: Okay. Then that's
23 where I want to, you know, stop you right there.

24 MS. CRADDOCK: Okay.

25 VICE CHAIR MILLER: Okay. There is a

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1 group of nine that currently walk. Will they be
2 walking to this new school or will they be too far
3 away? Do you know?

4 MS. CRADDOCK: Well, our school --
5 children stay in our school for two years maximum, and
6 the children that we have in our school, we will lose
7 half of them next year. Once we have determined that
8 we can be in this location, we plan to draw from the
9 neighborhood. This is an approximate of what we
10 expect to have on any -- in any given group of kids.
11 About a third of them will walk.

12 VICE CHAIR MILLER: Okay. And what is the
13 age group again?

14 MS. CRADDOCK: 2 and a half to 5.

15 VICE CHAIR MILLER: So in that walking
16 group, do you include strollers?

17 MS. CRADDOCK: Yes.

18 VICE CHAIR MILLER: Okay.

19 MS. CRADDOCK: Oh, yes. I mean,
20 babysitters with strollers, parents with strollers.

21 VICE CHAIR MILLER: Okay.

22 MS. CRADDOCK: I mean --

23 VICE CHAIR MILLER: Right. No cars.
24 Okay.

25 MS. CRADDOCK: Yes, you almost have to

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1 live next door to get a toddler to walk.

2 VICE CHAIR MILLER: Let me just jump right
3 in there then. I know that there is an issue raised
4 about how far you are from the park for walking for
5 kids this age, so would you be strolling these kids to
6 the park?

7 MS. CRADDOCK: No, and actually we are
8 very successful with walking with children. Though we
9 back on Kalorama Park, which has been wonderful, we
10 also use Walter Pierce Park, which is four blocks away
11 on a regular basis and we don't have any trouble
12 walking with children to that. We are very skillful
13 at it, as a matter of fact. And the foremost example
14 of the walking that the school does is in the month of
15 March when we focus on the zoo. And we are a mile
16 from the zoo and the children walk to the zoo. They
17 walk around in the zoo and they walk back and it works
18 very well. We have done it maybe three years in a row
19 and, I mean, we are not the only pre-school that does
20 that. I attended a workshop on the Smithsonian, done
21 by the Smithsonian, and the Smithsonian Pre-School
22 walks all over the mall all the time.

23 VICE CHAIR MILLER: Sorry to interrupt
24 your testimony. I just knew that was one of the
25 issues that has been raised.

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1 MS. CRADDOCK: You are absolutely right.

2 VICE CHAIR MILLER: That's okay.

3 MR. KEYS: Ms. Craddock, let's go back to
4 that typical day. I think we have established that
5 there is a staggered arrival of children in the 45
6 minute band between 8:45 and 9:30. What's the next
7 thing --

8 VICE CHAIR MILLER: Excuse me. I'm sorry,
9 but what do you mean by staggered? They are all
10 coming between 8:45 and 9:30. Is it organized that
11 some come between 8:45 and 9:00 and 9:00 and 9:15?

12 MR. KEYS: I'll let Ms. Craddock address
13 how the children arrive.

14 VICE CHAIR MILLER: Okay.

15 MR. KEYS: And what has been the pattern
16 over her past utilization of this schedule.

17 MS. CRADDOCK: The pattern is that it
18 doesn't come all at once. It just dribbles. The
19 children tend to dribble in. If we have a child who
20 is having a little trouble adjusting, we suggest that
21 they come early and let the school unfold around them.

22 It is very rare that you will get a clump of six kids
23 at one time. You will get a parent and then maybe
24 five minutes later, you will get another two parents
25 and it goes like that.

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1 After everyone gets to school, when
2 everyone gets to school, there is an art project in
3 the art room when children arrive and there are staff
4 members in each room to help children with puzzles, to
5 start a play in the big room or to have a snack in the
6 eating area. Children are free to circulate. Some
7 parents just leave their child with a hug and a kiss.

8 Others will work a puzzle or read a book with them.
9 And as a I say, if there is a child that has
10 particular difficulty in leaving a parent, we urge
11 them to come early, so that they can spend time with
12 their child and get used to it.

13 Around 9:45 we have a snack and go to the
14 bathroom and then we go to the park. We would --
15 there are several considerations with that. We had
16 been thinking about using the alley, because when I
17 have been there, there has not been traffic in the
18 alley, but we can certainly go out the front door,
19 down Farragut and up 13th and around to Hamilton that
20 way. There is absolutely no reason not to do it that
21 way, either.

22 BOARD MEMBER ETHERLY: Ms. Craddock, if we
23 could pause for a minute just at this point. 9:45,
24 your typical program would provide for an excursion
25 trip to the nearby park?

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1 MS. CRADDOCK: Yes.

2 BOARD MEMBER ETHERLY: Would it be your
3 plan for the entire enrollment to, at that time, move
4 with the appropriate supervision to the outdoor play
5 area, so, i.e., would you plan to take all 28 kids to
6 the park at that same time?

7 MS. CRADDOCK: Yes, we would.

8 BOARD MEMBER ETHERLY: Okay.

9 MS. CRADDOCK: And that's how we work it.
10 Now, if it became an issue, we could switch it
11 around, but Hamilton Street Park is usually deserted
12 and 28 children is not --

13 BOARD MEMBER ETHERLY: Okay.

14 VICE CHAIR MILLER: Is it four staff
15 members taking 28 children to the park?

16 MS. CRADDOCK: It's five.

17 VICE CHAIR MILLER: Five.

18 MS. CRADDOCK: Because you have your
19 parent.

20 VICE CHAIR MILLER: Oh, you have the
21 parent.

22 MS. CRADDOCK: Yes.

23 VICE CHAIR MILLER: Okay.

24 BOARD MEMBER ETHERLY: Okay. And would it
25 also be part of your plan to at that same time make

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1 sure of the backyard play area as well?

2 MS. CRADDOCK: No. We would do that as a
3 later thing.

4 BOARD MEMBER ETHERLY: Okay.

5 MS. CRADDOCK: Or -- yes, probably later
6 in the afternoon thing.

7 BOARD MEMBER ETHERLY: Okay. Okay. I
8 think I'm clear on the park. And just to confirm your
9 enrollment at any given time on the property will be
10 28 total children, meaning, because this gets to be an
11 interesting question in other applications. At any
12 given time, if someone were to walk in, there are 28
13 children on site, not 10, maybe for the first half of
14 the day and then 18 at some later half of the day?

15 MS. CRADDOCK: There would be 28 children
16 between 9:00 and 1:00. About -- currently nine
17 children leave at 1:00, and at 3:00 13 children leave,
18 and then at -- between 5:00 and 6:00 three or four
19 children, the rest of the balance leave.

20 VICE CHAIR MILLER: Just to clarify. You
21 have a total of 28 students period enrolled in the
22 school, not just 28 in the morning and another 28 in
23 the afternoon?

24 MS. CRADDOCK: No, no.

25 VICE CHAIR MILLER: It's just 28 total?

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1 MS. CRADDOCK: No.

2 VICE CHAIR MILLER: Okay.

3 MS. CRADDOCK: 28 total.

4 VICE CHAIR MILLER: Okay.

5 MS. CRADDOCK: No, it's not a
6 morning/evening program. It's a solid -- most of our
7 students -- all of our students are there from 9:00 to
8 1:00 and then it becomes less as the time goes on.

9 BOARD MEMBER ETHERLY: Okay. We
10 appreciate it. And just once again as the Chair
11 noted, we're popping in and out during your testimony
12 and I know that makes it a little difficult, but part
13 of the test here, of course, is to get a sense of,
14 one, what the actual enrollment looks like and at what
15 periods of time those young people are moving around
16 the property and then also outside in the
17 neighborhood. I think just from one Board Member's
18 position one of the issues for me will be
19 understanding traffic impacts.

20 So that's why I wanted to talk a little
21 bit about staff and exit. You know, ingress, egress
22 patterns among your parents and your population, but
23 then also as we talk about adverse impacts, which is
24 part of the special exception test, clearly we will
25 hear, I'm certain, some testimony from the party in

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1 opposition regarding concerns about noise impacts as
2 the kids are playing on the property or moving from
3 the property to the play areas, and so that's why I
4 think, you know, we are probing and interrupting to
5 really make sure we understand exactly the program as
6 you are proposing it. So I appreciate your patience
7 with us as we walk through it.

8 VICE CHAIR MILLER: Mr. Keys, let me just
9 ask you. I wanted to know who your other witnesses
10 are going to be, so that -- there may be a question
11 that I have that is more appropriate for a different
12 witness.

13 MR. KEYS: I see. Well, we have Meade
14 Hanna. Meade Hanna is a parent. She is also on the
15 board. She has also been very involved in
16 interactions with this community and we also have Earl
17 Harris, who introduced himself. He is a parent who
18 lives in the 1500 Block of Gallatin Street, about a
19 block and a half from the current site.

20 VICE CHAIR MILLER: Okay. Then this
21 question is appropriate for this witness. We're
22 focusing on the details a little bit here, and so I'm
23 going to back track to the drop-off. I think that you
24 said that nine, you anticipate that nine children will
25 be walked to school. So there are 28 children, so

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1 that leaves 19 children that will be driven to school,
2 and I would like to know if you have any kind of a
3 drop-off plan or why you think that that street can
4 accommodate 19 cars during those hours.

5 MS. CRADDOCK: Well, we have -- currently,
6 there are three kids who carpool, so we would
7 certainly encourage carpooling, but it seems to me
8 that there are at least five parking spaces. If you
9 look at the pictures in here, there are at least five
10 parking spaces in any of the 8:30 pictures.

11 MR. KEYS: I think it might be useful if
12 we could in response to the Chair's question, let's go
13 to the pictures and let's talk about what they show,
14 where they are looking and I think it would help if we
15 can identify for the Board where, approximately, the
16 subject property is located in each picture. We sort
17 of structured the pictures so that the property will
18 be visible at some point, so that you can see the
19 street in relation to the property.

20 MS. CRADDOCK: Well, if you look at the
21 Farragut Street from 13th toward 14th on 3/17, which is
22 a Wednesday, now, that is a street cleaning day, and
23 the left side of the street here should be totally
24 vacant within the next hour.

25 MR. KEYS: For clarification, the left

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1 side of the street is the south side of Farragut
2 Street. I think we have to orient the Board first.

3 MS. CRADDOCK: Okay.

4 MR. KEYS: So would you identify where you
5 are standing when you are taking the picture, the
6 direction you are looking in and also indicate which
7 side of the street the property, the subject property
8 is located and, in fact, if you can pick it out in the
9 picture and help the Board identify that property.

10 MS. CRADDOCK: Okay. I'm standing close
11 to the intersection of 13th and Farragut. The property
12 is -- if you see that green sign with the children
13 walking on the right hand side, the property is three
14 cars up from that.

15 BOARD MEMBER MANN: Three cars east or
16 three cars west?

17 MR. KEYS: West.

18 MS. CRADDOCK: West.

19 COMMISSIONER PARSONS: It might be easier
20 if you went to the next picture that has the house in
21 it.

22 MS. CRADDOCK: Okay. The next picture is
23 from 13th toward 14th. I'm actually pretty much across
24 the street from the house. There is a red sign on the
25 north side of the street and the house is right behind

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1 that and there is a blue car in front of it.

2 BOARD MEMBER ETHERLY: Now, Ms. Craddock,
3 you indicated that there is street cleaning, that that
4 sign speaks to street cleaning?

5 MS. CRADDOCK: Yes, and that's why the
6 south side of the street is empty, at this point.

7 BOARD MEMBER ETHERLY: And what were the
8 times for that street cleaning restriction?

9 MS. CRADDOCK: 9:30 to 11:30.

10 BOARD MEMBER ETHERLY: And is that a
11 particular day of the week?

12 MS. CRADDOCK: Wednesday one side of the
13 street, Tuesday the other side of the street.

14 BOARD MEMBER ETHERLY: Thank you.

15 MS. CRADDOCK: The next picture 3/17 at
16 12:47 p.m. This would be the 1:00 pick-up and this is
17 when nine children go home. Currently, two of those
18 walk and this is from Farragut Street. This is
19 Farragut from 13th toward 14th, and I think --

20 COMMISSIONER PARSONS: I think this
21 picture is turning backwards.

22 MS. CRADDOCK: -- it's in reverse. It is
23 reversed. The third car up is where the -- see that
24 green children sign, the third car up from that is
25 where the house is.

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1 MR. KEYS: Now, Ms. Craddock, in this
2 particular picture, it's 12:47 in the afternoon. The
3 south side of the street is virtually empty. Are
4 automobiles permitted to park there at 12:47 in the
5 afternoon?

6 MS. CRADDOCK: Yes, they can. After 11:30
7 they can park on that side.

8 VICE CHAIR MILLER: Okay. So there are a
9 lot of spaces available for pick-up then. How about
10 did you take a picture of the time when you do drop-
11 offs and are there a lot of spaces available? Do you
12 have a picture showing that?

13 MS. CRADDOCK: For the drop-offs?

14 VICE CHAIR MILLER: Yes, in the morning.

15 MS. CRADDOCK: That is the 3/17,
16 Wednesday, that one. The first picture and 3/17, it's
17 at 8:30 rather than at 9:30, but it gives you an idea
18 of what the street is like at that time, because not
19 many cars that leave between 8:30 and 9:30. On the
20 day that I did the street count, there were about
21 three cars that left and three cars that parked in
22 that space of time. So what you are seeing is what is
23 the number of parking spaces that are available on
24 that street in that hour.

25 MR. KEYS: Excuse me. I'm sorry, Mr.

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1 Mann.

2 BOARD MEMBER MANN: Are you showing the
3 street cleaning days to illustrate the best case
4 scenario or the worst case scenario?

5 MR. KEYS: No, we're showing it to
6 illustrate a day. We want you to see what happens on
7 different days of the week. But then if you look at
8 the remaining pictures, and I think we should get to
9 those, these are Mondays. These are days when there
10 is no street cleaning on either side of the street and
11 it will give you another indication of what the street
12 looks like at what we think are the critical times in
13 the case. Ms. Craddock, I would ask you to move to
14 the first picture on March 29th at 8:30 and describe
15 it.

16 MS. CRADDOCK: Okay. Now, this is looking
17 up 13th towards 14th, looking from 13th towards 14th along
18 Farragut, and it is a little bit harder to see where
19 the house is. It's on the north side of the street
20 about where the second car is. See that white car way
21 back there? There is a black car at the bottom of the
22 street and then there is a big space and then there is
23 a white car. That's where the house is. And then the
24 next page is on Monday, and this is 9:41, and this is
25 from 13th towards 14th on Farragut and the car -- the

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1 house is where that black car is. There is a truck on
2 the right and then there is a black car in front of
3 that and the house 1309 is right where that black car
4 is.

5 And then on the next picture, this is a
6 Monday, 4/19, and this is looking from 13th towards
7 14th, and my neighbor was being carried for a doctor's
8 appointment and there was a van from the hospital
9 there, and you can see the van there, and that is
10 right next -- well, just down from the house. And
11 then the next one is 8:30 on -- well, 9:30 on 4/19,
12 and this is look -- 1309 is right here where this red
13 car is in the left hand corner of the picture. Well,
14 no.

15 MR. KEYS: Which direction are you looking
16 at?

17 MS. CRADDOCK: I'm looking towards 13th
18 Street. This is from right in front of the house.
19 Well, actually the Sondels have that pink flower in
20 front of their house. So it is the house next to it
21 right there. The house between the pink flower and
22 the tree is the school.

23 MR. KEYS: Ms. Craddock, would you tell
24 the Board, I mean, I think pictures speak for
25 themselves, but would you, at least, put it in the

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1 record what you think this picture demonstrates for a
2 Monday at 9:30 in the morning?

3 MS. CRADDOCK: I think the picture
4 demonstrates that there are at least five parking
5 spaces available to parents on the street at any given
6 time in the framework between 8:45 and 9:30. And that
7 because our students do not all come at one time, and
8 we're not looking for 20 parking spaces at a time, but
9 a gradual flow of people who come and drop off their
10 kids and leave and then more come and drop off their
11 kids. And if you have five parking spaces every 10
12 minutes, it would more than cover the flow of children
13 coming to the school. And to me, in these pictures,
14 there are five parking spaces at any given time in the
15 morning drop-off.

16 VICE CHAIR MILLER: So the 10 minutes is
17 basically what it takes for a parent to take the child
18 into the school and come back, right?

19 MS. CRADDOCK: Yes.

20 VICE CHAIR MILLER: Okay.

21 MS. CRADDOCK: I think that's on the long
22 side, but I think that's plenty of time. And you
23 know, you might have a child who is reluctant to leave
24 a parent and that might take longer, but it's not the
25 normal thing.

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1 BOARD MEMBER ETHERLY: And just to make
2 sure I'm clear in terms of your procedure, you do have
3 your parents actually park a vehicle if a parent is
4 dropping off a child that was driven. The parent will
5 park the vehicle and physically transport their child
6 into the facility, make sure they are settled in and
7 then come out and depart?

8 MS. CRADDOCK: That is currently what we
9 do.

10 BOARD MEMBER ETHERLY: Okay.

11 MS. CRADDOCK: Yes.

12 BOARD MEMBER ETHERLY: Okay.

13 MS. CRADDOCK: Now, if a parent is in a
14 hurry and needs special help, they can call us and
15 we'll come down and get the child.

16 BOARD MEMBER ETHERLY: Okay. But at this
17 point no formalized practice where you will have staff
18 members curbside?

19 MS. CRADDOCK: No.

20 BOARD MEMBER ETHERLY: Okay. One final
21 question on that and then I'm comfortable. With
22 regard to parking restrictions in terms of signage, is
23 it residential parking restriction there, i.e., if you
24 have a residential sticker, you can park beyond the
25 two hour period?

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1 MS. CRADDOCK: There are no residential
2 parking restrictions.

3 BOARD MEMBER ETHERLY: Restrictions.
4 Okay.

5 MS. CRADDOCK: For the street.

6 BOARD MEMBER ETHERLY: So there's no
7 restriction other than the Tuesday, Wednesday street
8 cleaning?

9 MS. CRADDOCK: Yes.

10 BOARD MEMBER ETHERLY: Okay.

11 MS. CRADDOCK: And this is not a through
12 street. This street ends at 14th, so it doesn't get
13 your through traffic.

14 BOARD MEMBER ETHERLY: Okay. Thank you.
15 Thank you, Madam Chair.

16 MR. KEYS: Ms. Craddock, there are two
17 more pictures that I would like you to talk about.
18 The April 19 picture, 12:48 and the April 19 picture
19 at 3:09, and this is a Monday. Would you, please,
20 explain, identify where the house is located in the
21 picture and what you think the picture shows?

22 MS. CRADDOCK: On the 4/19 picture, the
23 house is right in front of that second car on the
24 right hand side, that red car. The house is right in
25 front of that. And I think the picture shows that

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1 there are parking spaces available there.

2 MR. KEYS: And parking spaces not just
3 there, but parking spaces going further down the
4 street, as well as parking spaces on the opposite side
5 of the street. Is that correct?

6 MS. CRADDOCK: Yes, that's correct. And
7 on the one at 3:09, the house is where the second red
8 -- on the right hand side of the street, there are --
9 it's a little bit of a car and then there are two
10 cars. It's the second full car, the house is in front
11 of the second full car. And there seems to be a good
12 deal of parking there and on the opposite side of the
13 street, too.

14 MR. KEYS: Why is the picture of 3:09
15 important to the operation of your pre-school at this
16 location?

17 MS. CRADDOCK: The time is important
18 because that's the time that the major part of the
19 kids are picked up. 3:00 is when the major 13 kids
20 are picked up.

21 MR. KEYS: Now, Ms. Craddock, I would like
22 you to clarify for the record that the numbers you are
23 given in terms of the number of pick-ups, drop-offs is
24 really based on your current experience, and to some
25 extent as your enrollment fluctuates next year, and as

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1 the composition of students can fluctuate, you can't
2 guarantee the exact proportion and numbers of people
3 that will be in any mode of transportation.

4 MS. CRADDOCK: That's true. But it is
5 pretty much a given that we have everybody between
6 9:00 and 1:00 and then we lose a third until 3:00 and
7 then we have a few children who stay until 6:00.

8 VICE CHAIR MILLER: Let me ask you this
9 though. I thought I heard you testify that you were
10 going to make a concerted effort to have students from
11 the area that you are moving to.

12 MS. CRADDOCK: Yes.

13 VICE CHAIR MILLER: And if you did that,
14 then -- I don't know what you mean by that, but do you
15 mean that you are going to reserve a certain number of
16 places for students within several blocks of the
17 school or what? Have you got a certain idea about
18 that?

19 MS. CRADDOCK: We have not developed that
20 policy, but what we had seen in our enrollment was a
21 shift to larger numbers coming from that area. We
22 have more students coming from the 20011 ZIP Code than
23 we have coming from the 20009 ZIP Code.

24 VICE CHAIR MILLER: But I would assume the
25 20011 ZIP Code encompasses a big area, that not

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1 everybody in the 20011 ZIP Code could walk to the
2 school?

3 MS. CRADDOCK: Pretty much.

4 VICE CHAIR MILLER: They could?

5 MS. CRADDOCK: Yes.

6 VICE CHAIR MILLER: Well, no.

7 MS. CRADDOCK: Well, see everybody --

8 VICE CHAIR MILLER: Wait, wait. Let me
9 just say something. We can't have people speaking out
10 from the audience and you will have a chance to
11 testify. I just want to pinpoint this though. You
12 know, when you say that, you know, you have greater
13 interests from that ZIP Code, what does that mean with
14 respect to the proximity of your new site?

15 MS. CRADDOCK: I'm thinking exclusively of
16 the parents that we currently have enrolled from that
17 area, and they could all walk to that site.

18 VICE CHAIR MILLER: Okay. I don't want to
19 press this too much, but Mr. Keys made the statement
20 that you can't guarantee.

21 MS. CRADDOCK: Absolutely can't.

22 VICE CHAIR MILLER: Well, that's what I'm
23 asking, because in some instances sometimes parties do
24 guarantee by saying, and I'm not saying you need to do
25 this, I'm just clarifying that okay, we're reserving

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1 eight spots for children within five blocks of the
2 site. And if you are not doing that, that's fine. I
3 just wanted to see whether or not you were doing that.

4 MS. CRADDOCK: We had not planned on doing
5 that. We had planned on giving precedence to
6 neighborhood people in the application process.

7 VICE CHAIR MILLER: Okay. Thank you.

8 MR. KEYS: Ms. Craddock, I'm going to ask
9 you now, we had submitted, in our application and the
10 supplemental information, a table that contains some
11 observations that you had made of traffic on the 1300
12 Block of Farragut Street. And this appears on page 3
13 of the supplemental information. Could you explain
14 what you did and relate that to the recordings that
15 are here and what that means as far as the traffic
16 that you saw on Farragut Street?

17 MS. CRADDOCK: I sat in my car on the
18 front porch of 1309 and I counted how many cars came
19 up and down the street in that period of time. Some
20 of them came from 13th to 14th and some of them came
21 from 14th to 13th.

22 MR. KEYS: Why are these periods of time
23 important?

24 MS. CRADDOCK: These periods of time are
25 important, because 8:30 to 9:30 is when the primary

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1 drop-off for the school would be, the staff coming and
2 the drop-off. And the 12:45 to 1:15 would be the time
3 that the 1:00ers were picked up and the 2:45 to 3:15
4 would be the time that the 3:00ers are picked up.

5 MR. KEYS: And would you actually go
6 through and just simply indicate the results?

7 MS. CRADDOCK: Okay. On Wednesday, the
8 17th of March from 8:30 to 9:30, there were 33 cars
9 that went down Farragut Street. On that same day from
10 12:45 to 1:15 there were 17 cars that went down that
11 street, and from 2:45 to 3:15 there were 18 cars that
12 went down that street. It turned out that that was a
13 day that West School was closed. So the 33 is lower
14 than you will see on the other two days.

15 On Monday the 29th of March, there were 60
16 cars that went down the street between 8:30 and 9:30.

17 And on Monday, the 19th of April, there were 52 cars
18 that went down the street between 8:30 and 9:30.
19 Between 12:45 and 1:15 there were 22 cars, and between
20 2:45 and 3:15 there were 22 cars.

21 MR. KEYS: Now, did you make any other
22 observations of traffic on different days of the week
23 that are not reflected in this table?

24 MS. CRADDOCK: Other parents in the school
25 also observed traffic and I have their notarized

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1 traffic counts.

2 MR. KEYS: Could you give me those? I
3 think I would like to have those included in the
4 record since there isn't a --

5 VICE CHAIR MILLER: Have you shown them to
6 the ANC and to Farragut Street Block Club, Mr. Keys?

7 BOARD MEMBER ETHERLY: And, Mr. Keys,
8 while the ANC party opponents are reviewing that,
9 perhaps just to help expedite us, I would be curious
10 if Mr. Harris could step up for a moment, because I am
11 interested in a little bit of his perspective as a
12 resident in the immediate vicinity of the subject
13 property. And if I could real quickly, not to move us
14 off of that traffic piece, but I just wanted to
15 inquire very quickly.

16 Mr. Harris, is it your sense that the
17 photos that we have seen are fairly representative of
18 the parking inventory, if you will, on the street in
19 front of the subject property?

20 MR. HARRIS: I would say yes.

21 BOARD MEMBER ETHERLY: Okay. How far do
22 you reside from the subject property?

23 MR. HARRIS: Map wise I'm a block and a
24 half away. I'm basically in the 1500 block of
25 Gallatin, so if you look on the street map area I

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1 would be diagonal through the --

2 BOARD MEMBER ETHERLY: Through the West
3 Elementary School play field?

4 MR. HARRIS: Oh, okay. Yes, I'm near the
5 Ideal, the Academy for Ideal Education. So if you go
6 up towards --

7 MR. KEYS: Mr. Etherly, you could utilize
8 the fold out map in the supplemental information, and
9 that might help orient you to where it is.

10 BOARD MEMBER ETHERLY: Okay. I see it, I
11 see it. So, Mr. Harris, you are somewhat north, what
12 would be, essentially, northwest of the property.

13 MR. HARRIS: Right, right.

14 BOARD MEMBER ETHERLY: So to speak.

15 MR. HARRIS: At that -- near the
16 intersection of Iowa Avenue and Gallatin.

17 BOARD MEMBER ETHERLY: Okay, okay. The
18 one thing that I want to inquire with you about just
19 specifically is, because I'm sure we'll hear some
20 testimony about that, with regard to the traffic
21 patterns in that overall vicinity, but, of course,
22 specifically as it relates to the subject street,
23 Farragut, is it your experience -- first of all, how
24 long have you been a resident at your current address?

25 MR. HARRIS: I have been at my residence

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1 since September of '98.

2 BOARD MEMBER ETHERLY: Okay. So you have
3 been there for about going on some six years or so?

4 MR. HARRIS: Yes.

5 BOARD MEMBER ETHERLY: Okay. So you have
6 had a chance to observe the traffic patterns there.
7 What has your experience been or let me say it this
8 way. Would you agree in terms of the characterization
9 of this street is not a street that is used heavily
10 for what has been referred to as through traffic? By
11 that I mean as motorists are trying to avoid Georgia
12 Avenue or other major avenues in this immediate
13 vicinity during the rush hour periods, do you see a
14 lot of cars cutting through your street or Farragut
15 Street or some of these other side streets in that
16 area?

17 MR. HARRIS: I can't give a truthfully
18 qualified answer for that, because I can only say what
19 I have seen on Gallatin Street.

20 BOARD MEMBER ETHERLY: Okay. Just your
21 base opinion.

22 MR. HARRIS: Just on that.

23 BOARD MEMBER ETHERLY: Not expert.

24 MR. HARRIS: But then the other thing is
25 I, for the most part of my existence and living there,

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1 pretty much tend to, always avoided the rush hour
2 times because of the work, the nature of the work that
3 I do.

4 BOARD MEMBER ETHERLY: Okay.

5 MR. HARRIS: I'm usually out before
6 traffic even starts and I come in after traffic ends.

7 BOARD MEMBER ETHERLY: Okay.

8 MR. HARRIS: So I can't really say that I
9 have really seen that.

10 BOARD MEMBER ETHERLY: Okay. That's fair.
11 I appreciate that. Thank you, Madam Chair.

12 VICE CHAIR MILLER: Okay. Where are we
13 with the notarized traffic observations? Do any of
14 the parties have objections to those coming into the
15 record? Can you come to the table when you speak,
16 please, and put on the microphone? Identify yourself.

17 MR. MORROW: I'm Charles Morrow
18 representing the 1300 block Farragut Street Block
19 Club. The only question I was having is how this
20 evidence is being offered, because it would seem to me
21 that in order to testify about traffic flow, you would
22 have to have some experience in that and also, it
23 would seem to me that you would need to observe that
24 over a period of time to really get a true picture.

25 And so it seems to me that you can observe

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1 what takes place on a particular day, but that will
2 not really give you any real picture. So that was the
3 question that I was having, that these are just people
4 that come, obviously, after their application has been
5 submitted and offering observation testimony, and I'm
6 wondering whether that's appropriate.

7 VICE CHAIR MILLER: Okay. Basically, it
8 would come in as evidence and we would give it
9 whatever weight it deserves. We wouldn't treat it as
10 expert evidence, and you will have an opportunity to
11 cross examine them about it and also to present a
12 witness to address it.

13 MR. MORROW: Okay. Thank you.

14 VICE CHAIR MILLER: Okay. Then you can
15 give it to the Staff on the right. Thank you.

16 How are we doing with your case, Mr. Keys?

17 Oh, I'm sorry. Could you, please, identify yourself?

18 MS. MITCHELL: Jackie Mitchell, ANC-4C02.

19 I think I would have to object to this simply for one
20 reason. The May 28th and the May 27th range of cars are
21 extremely too far apart. If you look at May 28th you
22 see what, 65 cars, which is a Friday and then you go
23 back to the 27th, which is Thursday, and you have a lot
24 fewer cars there. It was seen that May 28th --

25 MS. CRADDOCK: You'll notice on this one

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1 it's not 8:30 to 9:30. This one is 8:30 to 9:30.
2 This one is 15 minutes less.

3 MS. MITCHELL: But the -- I think the
4 range is kind of wide.

5 VICE CHAIR MILLER: Okay. You know, we
6 haven't seen this, so I'm not looking at the document
7 to know, but it sounds like what you're saying goes to
8 the weight of this document, the weight that we give
9 it.

10 MS. MITCHELL: Exactly.

11 VICE CHAIR MILLER: And, you know, if we
12 look at it and you'll have a chance to say, you know,
13 this is ridiculous, because the range is so wide.

14 MS. MITCHELL: Yes.

15 VICE CHAIR MILLER: How can you draw that
16 conclusion or whatever? So I think, I mean, I can
17 hear from my colleagues, it sounds like it's probably
18 relevant that we can take it into the record.

19 MS. MITCHELL: Okay.

20 BOARD MEMBER ETHERLY: I would agree,
21 Madam Chair.

22 VICE CHAIR MILLER: Okay.

23 BOARD MEMBER ETHERLY: I appreciate the
24 ANC's objection.

25 MS. MITCHELL: Okay.

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1 BOARD MEMBER ETHERLY: And the concerns
2 that were expressed by the Farragut Street Block Club,
3 but it's empirical evidence. Clearly, it's not done
4 by a traffic expert, per se, so I think we will hear
5 ample testimony from the opposition's side regarding
6 contrasting data. So I'm more than comfortable with
7 it coming in, Madam Chair.

8 MS. MITCHELL: Thank you.

9 BOARD MEMBER ETHERLY: Thank you.

10 MS. CRADDOCK: Should I speak to that?

11 VICE CHAIR MILLER: Let me say this. I
12 haven't kept official time. I don't know if Mr. Moy
13 has, but I am watching the clock. You started, I
14 think, 50 minutes ago. You have been interrupted by
15 Board questions, etcetera, but I think you should aim
16 to have all your witnesses, you know, close to -- you
17 were close anyway.

18 MR. KEYS: 10 minutes.

19 VICE CHAIR MILLER: Oh, that's fine.
20 Okay. Then whatever, you know, you think you need to
21 address is fine.

22 MS. CRADDOCK: Okay. It's basically --
23 what I would just like to say is that it's pretty
24 consistent, the number of cars that are going down the
25 street between 8:30 and 9:30. The range is from a day

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1 when there was no school at the public school of 33.
2 The days that there was school at the public school is
3 52, 60, 65 in that time frame and one of them, one of
4 the counts was 15 minutes short, but if you add, you
5 know, it's -- within that framework it's about the
6 same time.

7 VICE CHAIR MILLER: Whose observation is
8 it? We don't have it in front of us.

9 MS. CRADDOCK: There are two parents who
10 made -- three parents who made observations, and I
11 made a lot of the observations. The observations that
12 I made are in the booklet.

13 VICE CHAIR MILLER: Okay. Thank you.

14 BOARD MEMBER ETHERLY: Mr. Keys, if I
15 could, I want to move off traffic for a moment and I
16 want to be sensitive to your 10 minutes. That
17 probably was without interruptions from us, but let me
18 slide to another area that is of concern. You have
19 heard us probe through traffic a little bit, and I
20 think that's going to continue to be a question here.

21 With regard to 205.5 and 205.7, which
22 deals with the issue of outdoor play space, part of
23 your application is suggesting, of course, that the
24 play space that is in the immediate vicinity of the
25 subject property is, of course, convenient for use by

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1 Amazing Life Games for children.

2 What I want to talk about real quickly
3 though is you are also saying that you would like to
4 use the rear yard for structured play time not simply
5 open space play time where the young people are
6 getting that energy and that zest for life out, but
7 structured activities in the rear yard, and I just
8 want to be clear about what you mean by structured
9 activities.

10 MS. CRADDOCK: Okay. It would be like,
11 for instance, we have a turtle and we're going out and
12 looking for worms to feed the turtle or it's a large
13 enough back yard and it has a lot of sun, we could
14 plant a garden.

15 BOARD MEMBER ETHERLY: Okay.

16 MS. CRADDOCK: Or we may be -- I might
17 have six kids and we're going to pretend we're taking
18 a trip to the moon.

19 BOARD MEMBER ETHERLY: Okay, okay.

20 MS. CRADDOCK: That's what I'm talking
21 about.

22 BOARD MEMBER ETHERLY: Okay. And in terms
23 of the rear yard at this particular juncture, the rear
24 yard is presently fenced, correct?

25 MS. CRADDOCK: It is fenced.

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1 BOARD MEMBER ETHERLY: Okay. But is that
2 a wrought iron fence or a wooden?

3 MS. CRADDOCK: It's a chain link fence.
4 it's a short chain link fence.

5 BOARD MEMBER ETHERLY: Okay. And in terms
6 of the rear of other adjacent properties along the
7 rear of the Farragut Street properties, how are those
8 other yards situated? Say, for example, the rear yard
9 that's adjacent to yours, I take it there is no
10 fencing set up there. It appears that there's just
11 the one chain link fence that separates your rear yard
12 from the rear yards of the adjacent properties. And
13 is that pretty much the same practice for that, for
14 the rears of those properties?

15 MS. CRADDOCK: Yes.

16 BOARD MEMBER ETHERLY: Okay.

17 MS. CRADDOCK: Yes.

18 BOARD MEMBER ETHERLY: Okay. Thank you.

19 MS. CRADDOCK: All of those are like that.

20 BOARD MEMBER ETHERLY: Thank you. Thank
21 you, Madam Chair.

22 MS. CRADDOCK: And we wouldn't have any
23 problem with putting up a 6 foot privacy fence if
24 that's what people would like.

25 BOARD MEMBER ETHERLY: Is it your

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1 intention, at this point, or have you considered
2 introducing any play equipment to the rear of the
3 property?

4 MS. CRADDOCK: We have a climbing
5 structure, a geodesic dome, which is maybe about half
6 the size of this table that we currently have and we
7 have a plastic playhouse. We would probably plan on
8 using those two, as I say, it looks like a nice yard
9 for a garden.

10 BOARD MEMBER ETHERLY: Okay.

11 MS. CRADDOCK: And that would be something
12 that we would like to do with the children.

13 BOARD MEMBER ETHERLY: Thank you. Thank
14 you, Madam Chair.

15 MR. KEYS: I have no further questions for
16 Ms. Craddock. If the Board is finished with her, I
17 would like to bring on another witness.

18 VICE CHAIR MILLER: I believe so.

19 BOARD MEMBER MANN: I have a question.

20 VICE CHAIR MILLER: Okay. Mr. Mann has a
21 question.

22 BOARD MEMBER MANN: Do you anticipate that
23 there is going to be any increase in staffing required
24 when you increase the number of children that are
25 enrolled?

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1 MS. CRADDOCK: No, I don't. I am -- our
2 staff is not -- only two of our staff are full-time.
3 The rest are part-time and I think that they can
4 extend their hours to cover what we need for this
5 number of kids.

6 VICE CHAIR MILLER: Could you just clarify
7 how many full-time staff you have, how many part-time
8 staff?

9 MS. CRADDOCK: We have two full-time staff
10 and two part-time staff.

11 VICE CHAIR MILLER: Okay. Thank you.

12 MR. KEYS: I want to ask you to clarify
13 that, because I think it's important. The part-time
14 staff move with the children. Can you link that to
15 the departures that occur during the course of the
16 day?

17 MS. CRADDOCK: Well, the co-oper is there
18 in the time span when there are most kids from 8:45,
19 well, 8:30 to 1:30 and then that person leaves. The
20 permanent staff, two of them go five days a week from
21 -- one of them goes 8:30 to 3:00. One goes 8:30 to
22 1:00 and has a two hour break and then works 3:00 to
23 6:00. And myself and another staff person alternate
24 8:30 to 3:00. I work two days. He works three and
25 everybody is there for staff meeting on Wednesday

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1 afternoons from 3:00 to 5:00, 3:00 to 6:00 actually.

2 MR. KEYS: One last question for you. How
3 would you distinguish your pre-school from other pre-
4 schools? Is there anything that characterizes your
5 school that makes it different?

6 MS. CRADDOCK: Well, we are a cooperative
7 and there are very few cooperatives in the District of
8 Columbia. There may be three. Our focus is family
9 oriented child care and emphasis on play. That is
10 something that not as many schools have a focus on,
11 and also the cooperative problem solving. That is
12 also the major focus of the school.

13 MS. HANNA: My name is Meade Hanna and I
14 am a parent going on four years at Amazing Life Games.

15 The unique residential cozy feeling of Amazing Life
16 Games has been particularly important to me as a
17 parent and as a part of the Steering Committee. My
18 child was a part of a larger school that has excellent
19 staff and programming, but the character of home and
20 the character of a diverse staff, economically,
21 racially and gender wise was very important to me and
22 I feel like ALG has been unique to my needs in that
23 regard.

24 I have two boys and having two men on
25 staff along with occasional men teachers for drama and

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1 music is just a find in my mind as a parent. I have
2 also been a part of the Steering Committee decision to
3 buy a property, to look for one and buy it. We
4 started looking in earnest in October of 2003. The
5 Farragut location seemed so quiet and spacious and so
6 close to the Hamilton Park that, again, it was just
7 perfect.

8 We acted quickly, buying the property when
9 the loan came through in December of 2003. Within
10 three weeks we held a meeting for the neighbors and
11 during that time told everyone about who we are and
12 what we intended to do. A large number of neighbors
13 attended from what I hear. I'm speaking for the
14 Steering Committee at this point. And in conversation
15 with them, I have learned that in the midst of all the
16 comments made, positive, negative and in support of,
17 everyone fairly agreed that we would -- that they
18 supported our program, were supportive of who we are,
19 but they really did not want this address, 1309, to be
20 used in a nonresidential way.

21 Two and a half weeks later we introduced
22 ourselves to the ANC and before we had submitted our
23 BZA application. They listened patiently and took a
24 vote at the end of the meeting against us, and we
25 attended the next three ANC meetings in March, April

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1 and May in hopes there would be another chance for a
2 vote in our favor.

3 During February, after us getting some
4 guidance from Jacqueline Mitchell, I solicited for
5 signatures for our petition in support of the school
6 and I spoke with people on Gallatin and 13th and a few
7 on Farragut. We have three signatures from Don Green,
8 the Zarachnics and Gene Holliday, who is right next
9 door, 1307, all signing in favor. The Zarachnics are
10 just across the street and Don Green is at 1302. Ms.
11 Barge at 5010 13th Street signed with a comment that
12 she thought it might be lovely for older families to
13 have their grandkids come to attend the school. She
14 was thinking specifically of Mr. Mimms at 1312
15 Gallatin who is directly behind us, and when I
16 introduced myself and told him about the program, he
17 asked for rates and thought it was a good thing and
18 signed in support of us.

19 At 1310 Gallatin, Ms. Betty Johnson signed
20 stating that she would be moving in the next few years
21 and felt like a pre-school would help her sell her
22 house at a higher price to a young family of two
23 incomes. At 1314 Gallatin, Paula Prix signed and
24 commented on how important she felt a pre-school would
25 be for the families she knew in the neighborhood,

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1 specifically Chantelle Madden at 1316 Gallatin with
2 whom I was unable to contact.

3 In all, there were 11 people representing
4 10 households living within 200 feet of 1309 Farragut
5 who signed the petition in support of operating a
6 preschool at 1309.

7 I also can testify to one traffic that I
8 did if that is helpful at all. On Thursday, May 27th
9 between 12:45 and 1:15, which is the time that we
10 pick-up, first pick-up, and there were 15 cars total
11 during that time.

12 VICE CHAIR MILLER: Ms. Meade, I just have
13 a couple of questions for you. Did you contact the
14 neighbors after you bought the house or before?

15 MS. HANNA: After.

16 VICE CHAIR MILLER: After? Okay. Where
17 the school is presently, it's not on a quiet
18 residential street, I gather?

19 MS. HANNA: No.

20 VICE CHAIR MILLER: No.

21 MS. HANNA: At 1844 Mintwood it is very
22 crowded. Usually when we try to find a parking place,
23 we have to go around the corner or on Columbia Road
24 and then walk our child to the school. It's a real
25 problem.

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1 VICE CHAIR MILLER: So you have the
2 problem of finding parking spaces.

3 MS. HANNA: Yes, currently.

4 VICE CHAIR MILLER: But you don't have the
5 problem of neighbors being upset that you're creating
6 traffic problems for them?

7 MS. HANNA: No.

8 VICE CHAIR MILLER: Okay. And how long
9 have you been a parent with the school?

10 MS. HANNA: I'm going on my fourth year
11 with my second child, mind you. My first was up
12 there.

13 VICE CHAIR MILLER: Okay. Does anybody
14 have any questions? Has this school been in a "quiet
15 residential setting" or only in the more urban
16 setting?

17 MS. CRADDOCK: It has been on Biltmore
18 Street, which is Adams Morgan. It's been on a street
19 in Kilbourne and in Mount Pleasant, which I think
20 would qualify as a similar type of street.

21 VICE CHAIR MILLER: Well, that's what I'm
22 wondering. Do you have a track record where you had
23 your school in a similar type of neighborhood and
24 things worked out fine?

25 MS. CRADDOCK: Yes. As a matter of fact,

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1 in the record I also have letters from the neighbors
2 on Mintwood, the people across the street who have
3 lived there for 16 -- well, they came in '76 and we
4 moved in '75, and saying that they never had a problem
5 with us and one from one person down the street saying
6 that they -- whereas, there has been traffic problems
7 in the area, we have not been responsible for them.
8 It's just the urban nature of it, but two letters from
9 Mintwood.

10 VICE CHAIR MILLER: Okay. Separating the
11 urban part, because you said that you have been with
12 the school since the beginning. Is that right?

13 MS. CRADDOCK: Yes.

14 VICE CHAIR MILLER: Okay. And I'm hearing
15 you say you were in a residential setting, which is
16 what you would consider to be a comparable residential
17 setting, and I think you meant Biltmore Street or
18 another street?

19 MS. CRADDOCK: Biltmore is residential.
20 Mintwood has a certain amount of residences, too.

21 VICE CHAIR MILLER: Okay. My question --

22 MS. CRADDOCK: Well, there's other things.

23 VICE CHAIR MILLER: Let's take Biltmore or
24 whatever, but my question is when you first moved into
25 those areas, did you get the same kind of resistance

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1 from neighbors because of their apprehension of
2 traffic or whatever?

3 MS. CRADDOCK: No, we never have.

4 VICE CHAIR MILLER: No.

5 MS. CRADDOCK: But we have been in this
6 location since '75, so it was before that.

7 VICE CHAIR MILLER: Right, right. Okay.
8 Thank you. Do the Board Members have any questions?

9 BOARD MEMBER MANN: I have an additional
10 question.

11 VICE CHAIR MILLER: Okay.

12 BOARD MEMBER MANN: Are there any
13 activities or events that would ever occur outside of
14 normal operating hours at this location?

15 MS. CRADDOCK: Yes. We have monthly
16 Steering Committee meetings, which have 8 to 10 people
17 at them and that usually occurs from 7:30 to 9:00. We
18 have --

19 VICE CHAIR MILLER: Is that on a specific
20 day of the week?

21 MS. CRADDOCK: No, it fluctuates.

22 VICE CHAIR MILLER: Is that in the morning
23 or the evening?

24 MS. CRADDOCK: Evening.

25 VICE CHAIR MILLER: Okay.

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1 MS. CRADDOCK: That's in the evening. We
2 have -- in our current location, we have a once a year
3 auction, which we attempt to get alumni and people
4 from the neighborhood. Now, if this is an issue, we
5 could possibly find another location for this, but we
6 would need to be able to have our Steering Committee
7 meetings and our parent meetings in the area. Whether
8 we would have the yearly auction there or not, I think
9 that we could certainly find another location for
10 that.

11 BOARD MEMBER MANN: Thanks.

12 BOARD MEMBER ETHERLY: And Ms. Craddock,
13 do you host an open house or anything along those
14 lines when you are in recruitment mode?

15 MS. CRADDOCK: What we have is we have
16 parents do a tour of the school as it functions.

17 MR. KEYS: A final question. I would like
18 you to talk just a minute about the sequence of buying
19 this house, because I fear that the record seems to --
20 you signed a contract in October, purchased in
21 December.

22 What was the time between the time you
23 identified 1309 as a prospective house and the period
24 that you signed the contract to purchase it?

25 BOARD MEMBER ETHERLY: But, Mr. Keys, why

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1 is that relevant?

2 MR. KEYS: I think it's only relevant in
3 terms of the opportunity to either go to the
4 community, the window of opportunity to buy the house
5 is narrow. So it explains why you don't go and seek
6 community support, community interaction before you're
7 bound by a contract.

8 BOARD MEMBER ETHERLY: I mean, I didn't
9 mean to ask so flippantly, but --

10 MR. KEYS: No, I --

11 BOARD MEMBER ETHERLY: I just don't see
12 the connection.

13 MR. KEYS: I was concerned because of the
14 Chair's question.

15 BOARD MEMBER ETHERLY: Yes.

16 MR. KEYS: Which seemed to get in that
17 direction and I wanted the timing to be clear.

18 VICE CHAIR MILLER: Well, I don't see any
19 harm in just forgetting the date and then we can move
20 on.

21 MS. CRADDOCK: We needed to determine
22 financing. We needed to check with the -- with the
23 Health Department and the Fire Department and make
24 sure that the space was licensable. We were pretty
25 intent on finding out if this was actually really the

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1 space for us.

2 BOARD MEMBER MANN: The location, the
3 decision to locate there was based solely on an upward
4 trend in the number of enrollments from that ZIP Code?

5 MS. CRADDOCK: And the proximity to
6 Hamilton Street Park.

7 BOARD MEMBER MANN: Do you mean the
8 proximity to a park?

9 MS. CRADDOCK: No, Hamilton Street.

10 BOARD MEMBER MANN: Specifically that
11 park?

12 MS. CRADDOCK: That park.

13 BOARD MEMBER MANN: And only that park?

14 MS. CRADDOCK: Yes.

15 BOARD MEMBER MANN: I guess I don't
16 understand why you had to be right next to that
17 specific park.

18 MS. CRADDOCK: A lot of our program is
19 based on spending as much time as possible outside.
20 We need -- we would be moving from an area where the
21 park is right outside our back door. It was very
22 important to us that we have a readily accessible park
23 that seems safe and well maintained very close to us,
24 and Hamilton Street really filled the bill, and there
25 aren't a whole lot of parks in the District that do.

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1 BOARD MEMBER MANN: So there is only a
2 limited number of parks that meet your specific needs
3 and that's one of them?

4 MS. CRADDOCK: And you can find a place to
5 be close to it. I mean, we looked at Carter Barron,
6 which is a nice park, but any -- we couldn't find any
7 space close to it. And we are looking in that
8 quadrant of the city, because most of our parents come
9 from 2009, 2010 and 2011 ZIP Code.

10 VICE CHAIR MILLER: Any other questions?
11 Now, Mr. Keys, do you have any other witnesses?

12 MR. KEYS: No.

13 VICE CHAIR MILLER: Okay.

14 MR. KEYS: And whatever time I have got
15 left I would like to reserve for closing.

16 VICE CHAIR MILLER: Okay.

17 MR. KEYS: Thanks.

18 VICE CHAIR MILLER: I think that's a good
19 idea then. Wait, we may have some cross examination.

20 Does the ANC have any cross examination
21 for any of the witnesses?

22 MS. MITCHELL: Thanks again. Thank you,
23 Ms. Pickett. You mentioned that you had four staff
24 members and one parent, which would be five staff
25 members, and I'm interested in knowing how do you

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1 account for the absence of staff? I mean, you're
2 saying that almost etched in stone that you will have,
3 what, only three staff driving? What happens if you
4 have an absence, a staff person absent?

5 MS. CRADDOCK: I'm not clear what you're
6 asking.

7 MS. MITCHELL: Well, I'm -- you stated
8 earlier that you would have, what, three persons
9 driving, three staff members, two staff members
10 driving. Well, just suppose on any given day the
11 other three, maybe one or two were absent, how would
12 you -- what would happen there? Would you then get
13 another walking staff member or riding a bike or
14 however?

15 MS. CRADDOCK: We often -- we have a
16 backup person who does substitute who would like to
17 come on as a full-time staff person, and we also use
18 co-oping parents. We, you know, have a telephone tree
19 in the morning if there's a staff member sick and say
20 Jose is sick today, who can come in for him and how
21 can we cover this?

22 MS. MITCHELL: So would they be walking,
23 riding a bike, in a car?

24 MS. CRADDOCK: It would depend on who was
25 coming.

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1 MS. MITCHELL: Okay. The other, I heard
2 you mention that walking next door for 2 and a half
3 year-old would be virtually impossible, and I guess I
4 would like to know how you are going to walk to
5 Hamilton Recreation Center, not park, but -- and I
6 would also like to state that Hamilton Recreation
7 Center is not quite the safe center that I'm hearing.
8 They do have problems with --

9 VICE CHAIR MILLER: I think, excuse me,
10 you are going to get a chance to --

11 MS. MITCHELL: Okay.

12 VICE CHAIR MILLER: -- testify about
13 things. Now is the time to just ask questions.

14 MS. MITCHELL: Okay. What about the --

15 MS. CRADDOCK: What I meant was to get a
16 toddler to walk anywhere with a parent is very
17 difficult, but as a group we do very well with this.
18 We work on it from the beginning of the school year
19 throughout the entire school year. And any time you
20 can take a three mile hike with 2 and a half year-
21 olds, you're doing really well.

22 MS. MITCHELL: How many streets are you
23 crossing?

24 MS. CRADDOCK: We crossed one, two, three,
25 four.

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1 MS. MITCHELL: Four streets? Thank you
2 very much.

3 VICE CHAIR MILLER: Thank you. Does
4 Farragut Street Block Club have any questions? Come
5 forward then, please.

6 MR. MORROW: I'm going to use your
7 characterization if you don't mind. You say you have
8 checked with some of the neighbors and you described
9 it as friendly. I wonder if you could elaborate on
10 how many neighbors you checked with and before that,
11 describe what you define as friendly.

12 MS. CRADDOCK: We -- when we were looking
13 at the building, we talked to people we saw on either
14 side and explained that we were a pre-school and that
15 we were looking at the building for our facility, and
16 they were pleasant and they didn't say oh, we don't
17 want a pre-school in here. They were nice and
18 friendly.

19 MR. MORROW: They didn't say they wanted
20 one either.

21 VICE CHAIR MILLER: Sorry?

22 MR. MORROW: They didn't say they -- they
23 didn't say they wanted one either. Is that correct?

24 MS. CRADDOCK: They were not negative
25 about it, but they weren't -- they didn't say that it

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1 was the greatest, you know, that that's what they
2 really wanted to happen, that they were waiting for a
3 pre-school to come. No, they did not say that.

4 MR. MORROW: I apologize. So you just
5 contacted two of the neighbors on the street?

6 MS. CRADDOCK: We just talked to the
7 people that we saw when we were looking at the
8 building.

9 MR. MORROW: Okay. You say you have run a
10 facility since 1972. Are you aware that, typically,
11 when a nonprofit or other business would be looking at
12 a site that, typically, they would contact the
13 neighborhood association? Are you aware of that?

14 MS. CRADDOCK: When we bought, when we
15 moved into our current space, I don't believe there
16 was even an ANC, so it's a little bit of a different
17 situation for us and, certainly, we did our best to be
18 friendly to the people that we met in the neighborhood
19 and we do like the fact that many of the neighborhood
20 have been here for many years. I think that adds to
21 the stability of the neighborhood and it's a wonderful
22 attribute.

23 MR. MORROW: So I take it you're saying
24 no, you didn't contact the neighborhood association
25 until after?

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1 MS. CRADDOCK: Until after, yes. Well,
2 actually, a parent, oh, I can't remember the names
3 involved in this, a parent talked to the person who
4 was head of Carter Barron East Neighborhood
5 Association before and asked them what we needed to do
6 to get the neighborhood approval, and he never would
7 get back to her.

8 MR. MORROW: Okay. So that happened
9 after?

10 MS. CRADDOCK: No, that was before.

11 MR. MORROW: Before you purchased the
12 property?

13 MS. CRADDOCK: Yes.

14 MR. MORROW: Okay. Isn't it true, you
15 mentioned that your facility would have 28 students,
16 but isn't it true that the picture of your facility
17 today is not necessarily what you can guarantee even
18 though, for example, you cite that there are only
19 three drivers? Isn't it true that students would
20 fluctuate in terms of that number, as well as how many
21 drivers there are?

22 MS. CRADDOCK: In the 33 years, well,
23 since 1975 when we moved to Mintwood Place, our
24 enrollment has topped at 20. It has not gotten any
25 more than that in 29 years. So I don't think that

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1 that is going to change. Now, we might have a slow
2 year and have less than 28. That's an easy thing to
3 have happen and it has happened in the past.

4 As you point out, I don't know who is
5 going to drive. I don't know who is going to walk at
6 any time in the future, because I won't know that, but
7 I think you can be -- or take the bus or take a bike,
8 but I think that you can be assured that there will
9 not be a change in the enrollment, because it hasn't
10 changed in the last 29 years and it's site specific.
11 It's based on the size of the space.

12 MR. MORROW: Well, in terms of special
13 events, also I noted that you didn't note a holiday
14 party. Would that be something that would occur?

15 MS. CRADDOCK: We have -- we don't do
16 anything around the Christmas, Kwanzaa, Hanukkah
17 thing, except what's done in school. What we do do
18 for Thanksgiving is that the children spend the whole
19 month cooking and we invite parents for lunch, and we
20 were thinking that if we're in this site, we would
21 love to invite the neighbors for lunch.

22 MR. MORROW: I was also curious about --
23 you testified that you plan to draw from the
24 neighborhood and I was curious, did you do a
25 feasibility study in terms of whether there is an

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1 actual need. You are aware that there is some concern
2 that there are a number of facilities that provide
3 similar services and so I was curious, was that based
4 on just your opinion or did you actually do a
5 feasibility study and, if so, could you produce it?

6 MS. CRADDOCK: Well, part of what I'm
7 saying, what I said was that there were more people
8 coming from that ZIP Code than we had ever had before,
9 so that part was true. Also, I would like to just
10 quote from the April Washingtonian about the
11 neighborhood. "Neighbors are friendly and diverse.
12 More strollers appear each year as young families
13 replace elderly residents." Now, whether or not this
14 may be happening or not, but they are billing it as a
15 neighborhood that is going to have a lot of young
16 children.

17 MR. MORROW: So it's safe to say that no,
18 you didn't do a feasibility study?

19 MS. CRADDOCK: We checked to see what pre-
20 schools were in the area and there is really nothing
21 within the area. If you look on the map, there is no
22 other child development centers in that entire 1,000
23 square foot area.

24 MR. MORROW: It's interesting that you
25 should raise that, but have you read the definition of

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1 child development center that's in the -- well, one of
2 the things that it mentions, that if you are engaged
3 in after care or before care that is within the
4 definition --

5 BOARD MEMBER ETHERLY: Well, Mr. Morrow, I
6 think, once again, just keep it to a question.

7 MR. MORROW: Okay.

8 BOARD MEMBER ETHERLY: But I think just to
9 fine tune what you're asking, Mrs. Craddock, in terms
10 of your look at need in this particular area, based on
11 your experience with the enrollments that you were
12 seeing from those three ZIP Codes and some of the
13 empirical data that you referenced, Washingtonian,
14 maybe just general experience, from that it's your
15 sense that the need is continuing to grow in this
16 particular area, but you did not do a formalized in-
17 depth study, so to speak.

18 MS. CRADDOCK: That's correct.

19 BOARD MEMBER ETHERLY: To assess need.

20 MS. CRADDOCK: That's correct.

21 BOARD MEMBER ETHERLY: Okay. Thank you.

22 MR. MORROW: Just bear with me a second.
23 Also, you testified about there being, and if you are
24 maybe paraphrasing here, that there was a gradual flow
25 of parents that drop off children between the times

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1 of, if you will, 8:30 and 9:30.

2 Is there a school policy that requires
3 that?

4 MS. CRADDOCK: There isn't a school policy
5 that requires that, but that is the way it has always
6 been. It is very difficult to get -- should we be
7 going on a field trip at 9:30, it's very difficult,
8 well, 9:00, it's very difficult to get all the kids
9 there at that time. They -- you're dealing with
10 parents and preschoolers and sometimes it's difficulty
11 getting dressed. Sometimes it's that the parents work
12 late and kids stay up late, so they have slow
13 mornings, but it always seems to work that way, you
14 know, not just this year, but over many years.

15 MR. MORROW: I have a question. Are you
16 aware that Hamilton Recreation Center already has a
17 camp facility?

18 MS. CRADDOCK: I have been there on -- I
19 have been there on many mornings and I don't see any
20 staff or any kids there.

21 MR. MORROW: Thank you.

22 VICE CHAIR MILLER: Thank you. Mr.
23 Morrow, I just want to ask a question I should have
24 asked earlier, but it just occurred to me. When was
25 the Farragut Street Block Club formed?

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1 MR. MORROW: I apologize for not knowing
2 that information. However, I have been living on the
3 block since, approximately, 1991 and I know it was
4 formed, it was in existence at that time. Typically,
5 what happens as far as the neighborhood association is
6 concerned, there is a block captain that's assigned
7 for purposes of disseminating information for the
8 community organization.

9 VICE CHAIR MILLER: Okay.

10 MR. MORROW: And so that's been in
11 existence. I don't know how long it's been in
12 existence.

13 VICE CHAIR MILLER: I was just wondering
14 whether it was formed in response to this application
15 or not and, obviously, not and also, whether it was in
16 existence at a time at which it could have been
17 contacted by the school. So when you were asking
18 about neighborhood groups, I gather now you were
19 including this group, as well, as being one which they
20 might have contacted.

21 Do you understand my question?

22 MR. MORROW: Actually, I do.

23 VICE CHAIR MILLER: Okay.

24 MR. MORROW: To answer your question is
25 no, I was not referring to the Block Club

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1 specifically, but rather the community, CBENA, the
2 community association and that's what I was referring
3 to. If you will, I have lived in the neighborhood for
4 awhile and there is another center that's there,
5 that's Kingsbury, that is a model facility, if you are
6 familiar with that as far as what happened with that
7 project.

8 But what the people did there is in order
9 to, you know, create some goodwill, if you will, our
10 organization was consulted in terms of how they
11 planned to approach parking and some of the issues
12 that are of concern to the Block Club here. And so it
13 would seem to me that that would have been an
14 important piece and, certainly, something that
15 somebody that's operating a nonprofit organization at
16 least should have been aware of, notwithstanding that
17 ANC may not have been in existence in 1972.

18 It just seems to me that that's the
19 approach you would take to at least try to inform
20 people of what's taking place, and then that could
21 factor into your decision as to whether or not that
22 would be a good location. I think it doesn't really
23 serve the process very well if that doesn't occur at
24 the outset.

25 VICE CHAIR MILLER: Okay.

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1 MR. MORROW: Okay.

2 VICE CHAIR MILLER: I just wanted to
3 really, you know, clarify, you know, the group that
4 you are representing and where they fit into the
5 context here. Okay.

6 MR. MORROW: Okay.

7 VICE CHAIR MILLER: I think now we're
8 ready to hear from the Office of Planning.

9 MR. KEYS: Madam Chair?

10 VICE CHAIR MILLER: Are we not?

11 MR. KEYS: One redirect.

12 VICE CHAIR MILLER: Oh, you have -- okay.

13 MR. KEYS: Just one redirect.

14 VICE CHAIR MILLER: Okay. I'm sorry. Go
15 right ahead.

16 MR. KEYS: Ms. Pickett, did you make an
17 effort to investigate with the Department of Health to
18 find out if there were any other licensed child
19 development centers within 1,000 foot radius of the
20 subject property?

21 MS. CRADDOCK: Yes, I did, and there are
22 none.

23 MR. KEYS: And I know there are
24 organizations. Did you obtain a list from the
25 Department of Health?

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1 MS. CRADDOCK: Yes, I got a list from the
2 Department of Health. It lists all of the licensed
3 child development centers in the city and there are
4 none in this area.

5 VICE CHAIR MILLER: Thank you. Mr. Moore?

6 MR. MOORE: Good afternoon, Madam Chair
7 and Members of the Board. I am John Moore of the
8 Office of Planning, Development and Review Section.
9 Regarding this application, the Office of Planning
10 believes that this is a good and needed service.
11 However, it's proposed for the wrong location in the
12 District of Columbia. I would like to refer the Board
13 to the graphs I gave you from the Census data, the
14 first sheet. Does the applicant have a copy of these?

15 MR. KEYS: Did you include it in your
16 report?

17 MR. MOORE: No, they were not in the
18 report.

19 MR. KEYS: Then I don't have a copy.

20 MR. MOORE: John had some copies. I don't
21 know if he was --

22 VICE CHAIR MILLER: We'll see that the
23 other parties get copies also.

24 MR. MOORE: If I may continue.

25 VICE CHAIR MILLER: Yes, continue.

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1 MR. MOORE: The first one I want to refer
2 to is the one that has boundaries on the left upper
3 corner, and that is Census Block Group 4 of which
4 Census Tract 2002 is in, and it's an area that's east
5 of Georgia Avenue, west of 14th, south of Hamilton and
6 north of Emerson. If you would look at the next
7 sheet, this is household by type of age households,
8 19.

9 In Block Group 4, which is the second
10 column from the right, 63 percent of the population in
11 that track are between the ages of 45 and 85. 40
12 percent of the population is between 55 and 85 years
13 of age. If you will look at the one after it that
14 says "2000 Population by Ward," in the District of
15 Columbia for Census year 2000, about 12.2 percent of
16 the population was 65 and over. If you look down,
17 which is Ward 4, the figure on the extreme left, 17.1
18 percent of the population in Ward 4 was 65 and over
19 and just for those who are curious, Ward 5 was the
20 highest with 17.8 percent of the population.

21 What these data show is that there is an
22 older population in Ward 4 as compared to some other
23 wards in the city. And the last sheet of Census data,
24 the information I'm providing, shows that within
25 Census Block Group 4 in the year 2000, there were only

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1 three children under 6 years-old in that whole broad
2 area that is defined for you with the first set of
3 data.

4 I would now like to go directly to some
5 brief analysis regarding the portions of the test that
6 the applicant had to meet starting with 2003. The
7 Office and Planning is and was concerned about the
8 impact of traffic coming into this community, because
9 the concern wouldn't be as great if it was a facility
10 that was already in the community.

11 In this case, you are closing an operation
12 and moving the entire operation, including the
13 students, to a new location. So some of their means
14 of gaining access to the present facility, such as
15 walking and bike, may not work in this case. I
16 disagree with the applicant. The distance is just too
17 far for me to fathom that happening.

18 If you look at the 2005.4 with respect to
19 off-street parking, the applicant obviously meets the
20 letter of the law, because they have a garage as shown
21 on page 4 of the OP report in the rear of the property
22 than can accommodate two vehicles, and with the number
23 of staff that the applicant said they are going to
24 have, it's one more than they actually would need.

25 Again, the concern would be that all the

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1 parents now would be coming to this new facility from
2 another community, and the question would be how will
3 they get there? Most of us are pretty familiar that
4 that would constitute, if you're looking at it from a
5 Metro perspective, that's across town route as opposed
6 to the north-south, which is up and downtown, and the
7 Metro activity isn't as great there as it would be if
8 it was going up and down 14th or Georgia Avenue,
9 whatever.

10 So in our opinion, most of the people who
11 will be coming here will be using cars to get there
12 and the impact, of course, on the block would be
13 somewhat greater than it would be if people could
14 continue to walk or take bikes, whatever means they
15 want to get there other than cars. But in this case,
16 we believe that most of those who go will be using
17 vehicles to get to and from the center.

18 I would like to go to 2005.5 with respect
19 to the outdoor play area. I have walked the distance
20 a few times from the front of the facility and from
21 the rear of the facility to the play area on Hamilton.

22 It's about two and a half blocks, and the Office of
23 Planning has some concerns, with all due respect to
24 you, in being able to handle 28 kids for a three mile
25 hike. I'm just glad my little granddaughter wasn't

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1 one of them. She would need attention alone from two
2 people.

3 But to walk that distance with small
4 children, and in the application it said along the
5 alley system, as I walked the alley myself to get to
6 the playground, as is often the case in D.C., when you
7 go into a community and you don't live in that
8 community, people ask questions about who are you and
9 what are you here for? So I was stopped on three
10 different occasions to ask what I was doing, and I
11 explained that I was there and I was checking the
12 distance between 1309 and where the play area was and
13 they asked why. I said, well, the kids are going to
14 be using this as a play area.

15 And one gentleman sort of interrupted me
16 before I even got finished to say are you aware that
17 there is drug activity in these alleys? Of course,
18 that was his opinion. I then, of course, got in touch
19 with 4-D and got some crime statistics, and what I
20 haven't gotten yet is the refined statistics to show
21 you that particular area, but I do have the ward
22 statistics. That does support that various crime,
23 increased crime activity in basically all the
24 categories, except murder, which went down. Good for
25 a change.

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1 MR. KEYS: In this alley?

2 MR. MOORE: I didn't say in the alley.
3 The only reference I made to the alley was to say that
4 a resident, while I was doing my field work, pointed
5 out to me that there was rogue activity in the alley
6 and as a result of that I did further research to get
7 information to see if, in fact, that was true. And
8 I'm still awaiting specific information about if there
9 is drug activity. I have the crime statistics
10 already.

11 VICE CHAIR MILLER: Mr. Moore, when you
12 say you have the crime statistics already, did you put
13 them in the record?

14 MR. MOORE: No, I didn't.

15 VICE CHAIR MILLER: No, you still have
16 them?

17 MR. MOORE: No.

18 VICE CHAIR MILLER: Okay.

19 MR. MOORE: I just got those recently.

20 VICE CHAIR MILLER: Okay.

21 MR. MOORE: I will provide them, of
22 course, to the Board. Going back, if you look at page
23 6 of the OP report, I'm not quite good enough to
24 connect these, but what we are attempting to show here
25 is the alley to the left that the kids will be coming

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1 up, you can't see where Gallatin comes in at, but it's
2 a block beyond that. This is the extreme left part of
3 the photograph. And they come up to the corner. The
4 applicant said that they would enter through a rear
5 gate. I couldn't find one. So coming up the alley,
6 up to Hamilton and going down to where you entered the
7 playground, is an easy two and a half blocks for young
8 kids to be traveling.

9 As relates to 2005.6 about treatment, the
10 applicant has already offered to modify the existing
11 fence, which is chain link, when the kids are in the
12 rear yard. It is so difficult to keep small children
13 quiet. I don't care what the activity is when they
14 are outside. But the Office of Planning recommends
15 that if the Board approved the application, that there
16 be a six foot privacy fence involved on the site.

17 I already spoke to 2005.7 about the
18 location of the play area. I did talk to the
19 applicant representative regarding the use of West
20 Elementary School for play purposes and asked if they
21 had any sort of agreement with the school that they
22 could do so, especially, of course, when the school is
23 in operation. On the 2005.8, if you look at it
24 technically in terms of if there is another child care
25 center within 1,000 feet of this one. Whether there

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1 may not be one that is specifically licensed for child
2 care, there are child care facilities within the 1,000
3 feet.

4 Example, West Elementary School has what
5 they call a pre-K program, and in talking to the owner
6 and operator of the Your Community Center, she gets --
7 she did accept small children before and after in her
8 program, too. So when you look at the impact of all
9 of that on the block, that is to be perfectly honest
10 most of the services, and I don't even think they
11 mentioned the fact that there are two churches in the
12 block also. With the exception to the two churches,
13 also, most of the services on that block are geared
14 toward a young population. But the data says that the
15 population isn't a young population. So that's a
16 mismatch as far as I'm concerned, because the services
17 that is being provided are not the services needed in
18 the community. There should be more elderly in
19 orientation than there are.

20 With that being said, in terms of that
21 quick synopsis, the OP report, the Office of Planning
22 does not believe that the applicant has satisfactorily
23 met the test and we recommend that the application be
24 denied. I will be glad to address any questions.

25 VICE CHAIR MILLER: We have questions, but

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1 I think, at this point, I want to take a break in this
2 case. Looking at the clock it is 4:25. We had two
3 other cases on the agenda, which it doesn't look like
4 we're going to get to, and rather than keeping those
5 parties waiting here for another hour, I think I would
6 like to have the attorney for the next case come
7 forward and we can talk about rescheduling.

8 MR. COLLINS: Good afternoon.

9 VICE CHAIR MILLER: Okay. I see Mr.
10 Collins is here for application of Public Storage,
11 Case No. 17165. Is that correct?

12 MR. COLLINS: Yes, that is correct.

13 VICE CHAIR MILLER: Okay. I'm sorry, Mr.
14 Collins, it's a special day with respect to the
15 memorial services.

16 MR. COLLINS: I understand.

17 VICE CHAIR MILLER: Okay.

18 MR. COLLINS: And may I just make a
19 suggestion?

20 VICE CHAIR MILLER: Yes, please.

21 MR. COLLINS: If it is not clear to you
22 that the present case will be finished by today, and
23 if it is your intention to continue this case that's
24 being heard right now, I was wondering whether you
25 could allow us the 10 minutes it will take to complete

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1 our case to you. We have our primary witness came in
2 from Delaware today for this hearing, and we are on a
3 very tight schedule. We have no opposition. There is
4 no one here in opposition that we are aware of. And
5 we would like very much to make our presentation if we
6 can.

7 VICE CHAIR MILLER: Okay. I didn't
8 realize that you had someone in from out of town.

9 MR. COLLINS: Yes.

10 VICE CHAIR MILLER: And it would only take
11 10 minutes.

12 MR. COLLINS: I'm sure you didn't. Yes.

13 VICE CHAIR MILLER: Okay. Is the other
14 party here for Case No. 17166?

15 MR. HORTON: Correct. My name is Earl
16 Horton. I'm the attorney for Case No. 17166. I would
17 also make the same request, even though I've amended
18 the application and there is opposition to one of the
19 variances requested. I don't think it is going to
20 take that long. I would say maybe 20 or 30 minutes,
21 and we are ready and prepared to proceed for a Bench
22 decision. But I don't know, you know, if you are
23 saying this is going to go on until 6:00, then it
24 might be in best interest to reschedule. But I would
25 prefer rather to do it today.

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1 VICE CHAIR MILLER: Okay. Well, I'll hear
2 from Mr. Keys as well as to, you know, how much longer
3 or the ANC, you think your case is going to take, but
4 my view is that at least with respect to Mr. Collins'
5 case, he has someone in from out of town and it's only
6 taking 10 minutes, I think it would be wise to let him
7 make that case. With respect to your case, which may
8 take 20 or 25 minutes, I don't know. Well, if you
9 want to hang in. What do my Board Members think?

10 BOARD MEMBER ETHERLY: The only thing I
11 might inquire with respect to 17166, Mr. Horton's
12 case, I don't know if we have the OP staff member who
13 worked that case. Mr. Horton are you aware -- you are
14 dropping one of the variances off, correct?

15 MR. HORTON: Three of them, correct.

16 BOARD MEMBER ETHERLY: It might be useful
17 to gather -- the only difference is, of course, OP was
18 in denial. It was not supporting approval of your
19 application as it stood, and I'm just curious as to
20 whether the change in the variance being requested has
21 changed OP's position in that particular case. That
22 might be the only thing that might kind of add to the
23 picture here. Otherwise, I would perhaps be inclined
24 to move it to just continue your case and move it to
25 another day. I recognize the inconvenience, but once

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1 again given the circumstances and the Board's desire
2 to be very supportive of one of our family in this
3 time. We're kind of running into scheduling issues.

4 MR. HORTON: It's totally up to you. I
5 was just saying I talked to Steve Mordfin of OP this
6 morning and it sounds to me like the area variance is
7 pretty straightforward and I think they are going to
8 be supportive of that. Lot occupancy variance that's
9 the one I think everybody is opposing.

10 VICE CHAIR MILLER: Okay. What I'm
11 hearing is, you know, what you think they are going to
12 do, so what I think we ought to do is continue your
13 case.

14 MR. HORTON: Okay.

15 VICE CHAIR MILLER: And give Office of
16 Planning an opportunity to submit something in
17 response to the changes you have made. So I mean, we
18 are in a time constraint with one hour and I think
19 your case probably should be continued.

20 MR. HORTON: No, that's fine.

21 VICE CHAIR MILLER: Okay.

22 MR. HORTON: Are you going to set a date?

23 VICE CHAIR MILLER: Set a date, yes. Mr.
24 Moy, what dates do we have available?

25 COMMISSIONER PARSONS: Madam Chairman,

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1 this is essentially a new case. I mean, he needs ANC,
2 a different position from the ANC and the Staunton
3 Park Citizens Association, the Office of Planning. I
4 mean, is that all in the record before you set this?

5 VICE CHAIR MILLER: Well, we're going to
6 continue it.

7 COMMISSIONER PARSONS: I know, but I mean
8 to do a date certain.

9 VICE CHAIR MILLER: Oh, I understand.

10 COMMISSIONER PARSONS: You don't really
11 have an application before you, as I understand it.

12 VICE CHAIR MILLER: Is that correct? I
13 thought that you were just dropping off some of the
14 variances.

15 MR. HORTON: Exactly. And every letter of
16 support or opposition addresses the two remaining
17 variances. So, I mean, I'm just taking off variances.
18 I'm not adding any.

19 COMMISSIONER PARSONS: Oh, I know. I
20 mean, it's a very positive move, but just
21 structurally, do you really have an amended
22 application? I don't sense that you do.

23 MR. HORTON: Well, the regs in talking to
24 Staff, I mean, all I was required to do was amend the
25 application in writing. I mean, the same arguments

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1 are the same, because these are the same variances
2 that were in the application, so I don't -- we
3 didn't --

4 VICE CHAIR MILLER: I think that's true.
5 It's not adding new variances, which would require us
6 to advertise, so, you know, I haven't studied your
7 changes yet. I mean, is there something in there that
8 would require more time for the ANC to respond or
9 anything like that? No?

10 MR. HORTON: No, they have already
11 responded and the community associations have already
12 responded.

13 VICE CHAIR MILLER: Okay. Okay.

14 MR. HORTON: And they all responded to
15 each variance separately.

16 VICE CHAIR MILLER: Okay.

17 MR. MOY: Madam Chair, we have some
18 options. I think that the earliest would be the
19 afternoon of June the 29th. We have three 223 cases in
20 the afternoon of June 29th, so it's possible to add
21 this case as the fourth case in the afternoon. That's
22 a possibility. I would not suggest July 6th, because
23 that's our regular decision meeting, and following
24 that, we have five other hearing cases. June 13th we
25 have six cases. I mean, we could add this as a fourth

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1 case, possibly in the afternoon of June 13th, but with
2 those three cases in the afternoon are variance type
3 cases. On the 20th, July 20th, we could add a third
4 case in the afternoon, because we have two cases
5 scheduled in the afternoon of July 20th. So those are,
6 I would say, the early options.

7 VICE CHAIR MILLER: All right. Is the 29th
8 amenable to you?

9 MR. HORTON: That's fine.

10 VICE CHAIR MILLER: Okay.

11 MR. HORTON: If I could add, Chairwoman
12 Miller?

13 VICE CHAIR MILLER: Yes?

14 MR. HORTON: Could you just throw us on
15 the front of the agenda, if you don't mind?

16 VICE CHAIR MILLER: I'm sorry, could I
17 what?

18 MR. HORTON: Could you schedule us forward
19 on the agenda, on the front of the agenda, instead of
20 the rear, so if those cases run longer, we don't run
21 into this problem again, please?

22 VICE CHAIR MILLER: Because you are
23 convinced that your's will only take up to half an
24 hour at most?

25 MR. HORTON: I'm pretty convinced. My

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1 client, yes, we've discussed this, so I think it's
2 pretty straightforward.

3 VICE CHAIR MILLER: Okay. I don't have a
4 problem with that. My Board Members?

5 BOARD MEMBER ETHERLY: No objection.

6 MR. MOY: So we're looking at, was it
7 June, June 29th?

8 VICE CHAIR MILLER: June 29th.

9 MR. MOY: 9:00?

10 VICE CHAIR MILLER: The first case --

11 MR. HORTON: The first case in the
12 afternoon.

13 VICE CHAIR MILLER: -- in the morning.

14 MR. MOY: In the morning?

15 MR. HORTON: In the morning?

16 VICE CHAIR MILLER: I'm sorry, which are
17 we talking about? Okay. That's better. First case
18 in the afternoon, which will be 1:00.

19 MR. HORTON: Thank you very much.

20 VICE CHAIR MILLER: Okay. Thank you. And
21 I'm sorry for the inconvenience. Okay. Okay. I
22 think what we will do then is take a break on the case
23 we have been dealing with, and because of the out of
24 town situation, that should only take about 10 minutes
25 according to Mr. Collins, and then we can reconvene

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1 with questions for the Office of Planning. So you all
2 can have a little break.

3 MR. MOY: Madam Chair, ready?

4 VICE CHAIR MILLER: You can call the case,
5 please. Thank you.

6 MR. MOY: The case is Application No.
7 17165 of Public Storage, Inc., pursuant to 11 DCMR
8 3103.2, for a variance from the off-street parking
9 requirements under sub-section 2101.1, and a variance
10 from the loading requirements under sub-section
11 2201.1, to permit the development of a three story
12 self-storage facility in the C-M-1 District at
13 premises 1600 to 1618, 1618 Bladensburg Road, N.E.,
14 Square 4273, Lots 3 and 4.

15 MR. COLLINS: Thank you, Madam Vice Chair
16 and Members of the Board, for your indulgence. My
17 name is Christopher Collins with the Law Firm of
18 Holland and Knight. Seated to my left is Kyrus
19 Freeman with our firm and to my right is Herb Reynolds
20 with Public Storage, Inc. and to my far right is Mark
21 Joyce from Boller Engineering. Also here is Mr.
22 Osborne George, a traffic and transportation planner
23 and engineer who I would intend to offer as an expert
24 witness.

25 I did say this would take 10 minutes. We

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1 have brought a number of people here, and at this
2 point, what I would like to do is just outline the
3 case for you and with your indulgence just to offer
4 them for questions and/or to make a brief presentation
5 as you like.

6 This is an application for variance relief
7 for parking and loading for a self-storage facility,
8 and the reason we have so many people here today is
9 that I don't believe, based on the records of the BZA,
10 that you have seen an application for a self-storage
11 facility before. It is classified as a warehouse
12 under the Zoning Regulations. The issue of parking of
13 loading has come up, because a self-storage facility,
14 unlike a warehouse, doesn't need the volume of parking
15 and loading that a warehouse does. However, it fits
16 the definition of a warehouse and that's what it is
17 under zoning.

18 Other jurisdictions in the surrounding
19 area have definitions in their Zoning Regulations for
20 self-storage facilities and they do provide for the
21 type of or the number of parking and loading
22 facilities that are similar to what we are providing
23 for you today. The Office of Planning and Department
24 of Transportation have both looked at this application
25 and have both written letters endorsing the

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1 application or reports endorsing the application.
2 They both recognize in their reports that the Zoning
3 Regulations do recognize that this is not -- they both
4 recognize, I'm sorry, that this is not the type of use
5 that is addressed in the Parking and Loading
6 Regulations as part of their recommendations.

7 We have also spoken on several occasions
8 with the ANC, and we visited with them on two
9 occasions, and their letter, the Chair's letter is in
10 our submission. It is a letter from the Single Member
11 District Commissioner, who also happens to be the
12 chair. She wrote that letter, because she personally
13 is very supportive of this project, because it will
14 remove a, what she referred to as, chop shop in her
15 neighborhood and replace it with this facility and she
16 is very interested in having this happen. And because
17 we could not get a quorum on two occasions, she wrote
18 the letter in her personal capacity as the Single
19 Member District Commissioner.

20 We are unaware of any opposition to this
21 application. As I mentioned, we have three witnesses,
22 Mr. Osborne George, who has testified here on numerous
23 occasions as an expert witness, is here as an expert
24 in that capacity. I would ask that he be considered
25 as such. And, Madam Chair, we would either, at this

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1 point, offer ourselves up for questions or make a very
2 brief presentation, as you like.

3 VICE CHAIR MILLER: Can I have some
4 comments from my Board Members whether you would like
5 a presentation or you are satisfied by the record and
6 would just like to ask some questions?

7 BOARD MEMBER ETHERLY: Madam Chair, I'm
8 fairly comfortable with the record as it is presented
9 and would be comfortable with the applicant pretty
10 much standing on the record, perhaps with one or two
11 questions as relates to the traffic study that was
12 prepared by Mr. George.

13 VICE CHAIR MILLER: I would just say also
14 that I would certainly recommend recognizing Mr.
15 George as an expert witness. He has been recognized
16 as an expert in several of our cases.

17 BOARD MEMBER ETHERLY: No objection, Madam
18 Chair.

19 VICE CHAIR MILLER: Okay.

20 MR. COLLINS: Well, at this point then, we
21 would ask Mr. George to step forward and just briefly
22 summarize the results of his testimony.

23 VICE CHAIR MILLER: Thank you.

24 MR. GEORGE: Good afternoon, Madam Chair
25 and Members of the Board. I think Board Member

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1 Etherly pointed out that he had questions and I don't
2 know whether the Board's preference is that I make a
3 presentation or respond to his questions.

4 VICE CHAIR MILLER: I would say if you
5 have a very brief, brief summary, almost like a
6 proffer, that would be good. We are under certain
7 time constraints and we have read the record and it
8 looks good and I know Mr. Etherly does have some
9 specific questions, but if you just want to set the
10 context with a very brief summary, that would be fine.

11 MR. GEORGE: Yes. As stated, Madam Chair,
12 perhaps the most poignant issue in this case is the
13 question of definition and as pointed out by the
14 applicant's attorney, we did investigate this issue
15 thoroughly. We have what I think would help if I just
16 passed these out which has some of the standard
17 definitions used by some of the local jurisdictions as
18 well as other national organizations, such as the
19 Institute of Transportation Engineers and ITE. And
20 perhaps this could help us and I could run through
21 them very quickly.

22 At the top of that sheet it cites DCMR
23 Title 11 and it simply describes a warehouse as "Any
24 building or premises where goods or chattel are
25 stored." It has no definition for a mini-warehouse or

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1 self-storage. I think right below is the Prince
2 George's County Zoning Ordinance definition which, I
3 think, is really very clear and I'll try to read it
4 into the record. "A building used for the storage of
5 goods and materials in connection with the day to day
6 operation of wholesale or distribution business or a
7 business that is not located in the same building or
8 on the same property as the warehouse unit." And I
9 think this I would refer to as the traditional or
10 classical definition of a warehouse.

11 The Prince George's County also has a
12 specific definition for a mini-warehouse or self-
13 storage and it is defined as "A building divided into
14 two or more individual units of 500 square feet or
15 less, each of which is leased to an individual solely
16 for dead storage, and I would underscore that word,
17 and not used in connection with the day to day
18 operation of a business." Having reviewed the
19 applicant's statement and having discussed the project
20 with the applicant, public storage, I think that is
21 clearly the use that is intended on this site as
22 defined by the ordinance in Prince George's County.

23 I think perhaps most importantly is the
24 fact that of the 556 units that are proposed for this
25 site, 85 percent of those are of the size 5 X 5 to 5 X

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1 15, and I think that's quite significant. 5 X 5 is a
2 very small storage space. And so when we think of the
3 requirement of the Zoning Regulations, which would
4 stipulate that you need a tractor trailer to such a
5 use, I think the issue becomes quite clear.

6 I would like to cite for the Board the
7 fact that we did a number of surveys of existing
8 public storage facilities operating within the city
9 and looking at the parking that is provided, we
10 computed a ratio based on which we have determined
11 that the subject site would require between 8 and 9
12 spaces, at the maximum. And I would state also that
13 based on our survey during the period of April
14 through, in fact, we concluded our last survey
15 yesterday, we found that in most cases even the spaces
16 that are provided are less than half -- I'm sorry, the
17 spaces that were utilized at any one time were less
18 than half of what is provided.

19 The applicant has advised that the period
20 of April through June is considered the high season,
21 this is when most spaces are leased and use of such
22 facilities are initiated. This makes sense to me as a
23 layman in that business and again we would like to
24 cite to the Board that our surveys covered what would
25 be generally termed the worst case scenario in terms

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1 of parking demand. Based on these factors then we
2 feel comfortable in saying that the proposed use is
3 not likely to cause any significant harm to the public
4 good, which is a requirement of the applicant in this
5 case.

6 BOARD MEMBER ETHERLY: Madam Chair, if I
7 may just really a very quick question, but let me ask
8 also a note of disclosure, because I noted it to my
9 colleagues, but neglected to note that it was
10 referenced in the written submissions and so I just
11 want to be sure that I'm clear for the record that
12 because there is no opposition, I'm not majorly
13 concerned about it, but I will note for the record
14 that I am a customer of public storage at the South
15 Capitol Street location, so I am somewhat familiar
16 with the practice and operation of the facilities, but
17 am more than comfortable with it.

18 I would be able to continue to sit on this
19 case impartially, but I wanted to make that
20 disclosure, because there is reference to the South
21 Capitol Street Facility for comparative purposes in
22 the applicant's submission, which is Exhibit 26 at
23 page 7, just for comparative purposes in terms of gate
24 access per day at that location, as well as the
25 Kenilworth Avenue location. Perhaps just to be clean

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1 and clear, Madam Chair, I would perhaps like to make
2 that disclosure and put forth the question if my
3 colleagues would have any concern with regard to me
4 continuing to sit on the case.

5 VICE CHAIR MILLER: I don't have any
6 concerns. Do any of the parties have a concern?

7 MR. COLLINS: No, we have none.

8 VICE CHAIR MILLER: Okay.

9 BOARD MEMBER ETHERLY: Excellent. Thank
10 you very much, Madam Chair. Just with regard, I just
11 want to be clear in terms of understanding, just with
12 regard to access of large, large trucks, because as is
13 noted in the written submission, you are anticipating
14 that most of your trips on the part of your patrons
15 are going to be done in cars or small vehicles. In
16 terms of the parking spaces that you are proposing on
17 site, none of those parking spaces will be available
18 for access by any commercial sized trucks, rental
19 trucks, correct?

20 Meaning, if I'm a patron using the
21 facility as it is currently proposed and I happen to
22 have one of the large rear end U-Haul or any other
23 type vehicle like that, would that vehicle be using
24 any of the nine spaces that you are identifying on the
25 site at present?

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1 MR. GEORGE: No, Commissioner Etherly.
2 They would use a designated loading area, which is
3 defined on the exhibit before you. This is
4 Bladensburg Road which runs in the north/south
5 direction. This is the parking lot oriented
6 north/south. There are the nine spaces. These are
7 numbered and I can bring this a bit closer if it's for
8 the convenience of the Board. The nine spaces are
9 numbered. The hashed area, which is an 18 feet by 35
10 foot wide area is designed for trucks, use by trucks.

11 And what we have shown is the trucking diagram of a
12 single unit truck, which would be 30 feet, how it
13 would enter, back into the space and which incidently
14 is in close proximity to the entry into the storage
15 building.

16 BOARD MEMBER ETHERLY: Okay. And this
17 might perhaps be better directed. Thank you very
18 much, Mr. George. This might be better directed to
19 either counsel for the applicant or another
20 appropriate person. With regard to the distribution
21 of the storage units as you currently have set forth,
22 it's your testimony that based on that distribution,
23 the majority of your clients for this particular
24 location will more than likely be in that smaller
25 realm of storage vehicles with belongings coming to

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1 the subject property.

2 And by that, I mean, because you're
3 looking at 15 percent of your storage units being in
4 the 10 to 20 foot range and that 10 by 30 foot range
5 which are the largest spaces, you are not anticipating
6 a lot of those large truck trips coming to this
7 particular site.

8 MR. COLLINS: Let me just add just for
9 clarification 85 percent of the units are 10 X 20 or
10 smaller.

11 BOARD MEMBER ETHERLY: Okay.

12 MR. COLLINS: Or to put it or characterize
13 it, it's of the smaller than the typical garage in a
14 home or smaller than that. 85 percent are smaller
15 than a regular garage, a single car garage, but I
16 would like Mr. Reynolds to answer your other question.

17 BOARD MEMBER ETHERLY: Okay. Let me make
18 sure I'm clear on the clarification then. 85 percent
19 of the storage units will be between the 5 X 5 and the
20 10 X 15?

21 MR. COLLINS: 10 X 20.

22 BOARD MEMBER ETHERLY: 10 X 20?

23 MR. COLLINS: 5 X 5 and 10 X 20.

24 BOARD MEMBER ETHERLY: Okay. What is
25 perhaps tripping me up is on page 3 of the submission,

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1 the first full paragraph.

2 MR. COLLINS: I'm sorry, I misspoke. You
3 were correct.

4 BOARD MEMBER ETHERLY: Okay. I just
5 wanted to make sure I'm clear.

6 MR. COLLINS: I apologize.

7 BOARD MEMBER ETHERLY: Okay.

8 MR. REYNOLDS: Yes, that's absolutely
9 correct. In fact, when we do our site selection, one
10 of the things that we focus in on is the demographics,
11 the population deaths. Our latest iteration of
12 product that you see before you is primarily designed
13 for residential use versus commercial use, you know,
14 versus like the facility that you might be in, the
15 Board Members might be accustomed to. You know, this
16 is solely geared for residential, that's why the
17 smaller units.

18 BOARD MEMBER ETHERLY: Okay. Thank you.
19 Thank you, Madam Chair.

20 VICE CHAIR MILLER: Any other questions?
21 Mr. Parsons?

22 COMMISSIONER PARSONS: I hesitate to go
23 into this, but I think I need to. I'm concerned about
24 the signage that I've seen on South Capitol Street and
25 I understand you are trying to attract the people

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1 coming across the South Capitol Street Bridge, but
2 what are your intentions here with the arboretum on
3 one side of the street and the cemetery on the other?

4 And I'm concerned about the visual aspects of your
5 project, even though that's not why you are in here.
6 But a three story building, certainly is not precluded
7 here, but if you are to surround it with signage on
8 the outside, I'm concerned about that.

9 MR. COLLINS: The South Capitol Street
10 Building does have a billboard on it, that may be part
11 of the concern.

12 COMMISSIONER PARSONS: No, that, too.

13 MR. COLLINS: Yes, there's a certain
14 number of billboards.

15 COMMISSIONER PARSONS: It's the context of
16 the neighborhood here.

17 MR. COLLINS: Yes.

18 COMMISSIONER PARSONS: And I mean if
19 signage is proposed here below the second or third
20 level, I would think that would be appropriate, but I
21 certainly don't think it would be appropriate on the
22 upper levels of the building.

23 MR. COLLINS: I think the -- we haven't
24 really talked about signage, but the Building Code
25 does govern the amount of signs that can be placed on

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1 a building and we would be governed by that. We
2 haven't looked into the amount of signage. The
3 building, the design of the building is such that it
4 is a signature building for the company. They use
5 their colors. They use their style for that, so
6 people would look at that hopefully kind of like the
7 golden arches they would say McDonalds, they would
8 look at this building and so oh, Public Storage.
9 That's kind of where they are going if that's correct.

10 We talked about that. But in terms of signage, we
11 really haven't spoken about that.

12 COMMISSIONER PARSONS: Okay.

13 VICE CHAIR MILLER: Any other questions?
14 Do you have any other witnesses that want to speak to
15 the application?

16 MR. COLLINS: Not unless you have any
17 questions for the engineer, Mr. Joyce, or for Mr.
18 Reynolds of the Public Storage.

19 VICE CHAIR MILLER: Okay. I don't. Do
20 any Board Members? Okay. Why don't we hear from the
21 Office of Planning then?

22 MR. PARKER: Thank you, Madam Chairman.
23 Good afternoon, Members of the Board. My name is
24 Travis Parker from the Office of Planning. The Office
25 of Planning agrees with the applicant that the

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1 combination of the oddly shaped lot and the lack of
2 definition of self-storage facilities in the Zone Code
3 constitute a practical difficulty in terms of the
4 amount of parking required and that they are able to
5 provide, and that practical difficulty was enough for
6 us to recommend in favor of granting the variance and
7 I will stand on the record as far as the report is
8 concerned and be happy to answer any questions you
9 have.

10 VICE CHAIR MILLER: You also see no public
11 detriment to this variance. Is that correct?

12 MR. PARKER: Correct.

13 VICE CHAIR MILLER: Okay. Does the
14 applicant have any questions of the Office of
15 Planning?

16 MR. COLLINS: Oh, none at all. No.

17 VICE CHAIR MILLER: And you have seen
18 their report?

19 MR. COLLINS: Yes, we have. Thank you.

20 VICE CHAIR MILLER: Okay.

21 MR. COLLINS: The only clarification in
22 the Office of Planning report is that as Mr. -- Office
23 of Planning representative indicated or may well
24 indicate now about the typographical error in the
25 first sentence regarding the FAR. They indicate we

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1 were seeking an FAR variance in the case and, in fact,
2 we are not.

3 VICE CHAIR MILLER: And I don't believe
4 anyone from the ANC is here for your case. Is that
5 correct?

6 MR. COLLINS: That's correct. We actually
7 spoke with Joan Black, ANC Chair, probably an hour ago
8 to make a clarification that Mr. Nyarku was raising.

9 VICE CHAIR MILLER: Okay. And I'll just
10 throw out to the audience, is there anybody here who
11 is here to speak in support of this application or in
12 opposition? No, okay. At this point then, I think I
13 would allow you to make any closing remarks if you
14 would like as to how this application meets the
15 variance test.

16 MR. COLLINS: Certainly, we think that as
17 our statement indicates, we believe that we do meet
18 the application, the test for variance relief, the
19 property is affected by an exceptional situation or
20 condition. The triangular nature of the property and
21 the shape, size, the fact that we cannot expand in
22 order to accommodate additional parking in this
23 building.

24 The building is only two-thirds of the
25 maximum density that it could be, because of the size

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1 and the shape of the property. Not because of the
2 size, but the shape of the property and the ability to
3 accommodate the parking and the loading that we do on
4 the site, the strict application or regulation would
5 impose a practical difficulty, in that we would either
6 have to build a building that is even smaller than
7 only two-thirds of the size or provide indoor parking
8 and this is something that in our statement we went
9 into a little more detail about security that this is
10 the third generation design of this building, and that
11 Public Storage does not allow any more, unlike in
12 their earlier generations, particularly on South
13 Capitol Street, does not any more allow indoor
14 parking, because of security and after 9/11, things of
15 that nature, as you are well aware of.

16 So all the storage, the parking, loading
17 is done from the outside. Relief can be granted
18 without substantial detriment. We have here a proven
19 track record of 25 years showing that the number of
20 spaces for parking and loading is well below what the
21 D.C. Regulations require for a warehouse. We are
22 providing in lieu of the 30 and the 55 foot berths
23 that are required in the zoning, one 35 foot berth,
24 which includes the 30 feet required plus the 5 feet.

25 The Zoning Regulations say that if you

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1 don't provide a separate platform, you can provide an
2 additional space in your berth to accommodate the same
3 size of the platform. That's what we're doing with
4 the 35 foot space. The 35 foot loading berth is
5 actually 18 feet wide when, in fact, it only has to be
6 12 feet wide, that's to allow for additional
7 maneuvering to allow the truck to get in and out more
8 easily. And we still provide nine spaces for the
9 public, plus two spaces that are stacked in for the
10 employees of the building. So there will always be
11 nine spaces available for the public.

12 This is a 7:00 a.m. to 7:00 p.m.
13 operation. It is not a 24 hour operation. Security
14 is a prime concern of the applicant, as stated in the
15 statement, and we believe that we meet all the
16 requirements for variance relief and would so request
17 that you grant the application at your earliest
18 convenience.

19 VICE CHAIR MILLER: Thank you.

20 COMMISSIONER PARSONS: Madam Chairman, I'm
21 going to ask the applicant for a signage plan. I
22 think there is potential for detriment to the public
23 good if we allow signage to occur that would be seen
24 from within the cemetery or the arboretum across the
25 street, so I would ask -- I give the applicant a

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1 chance to respond to that, rather than me trying to
2 craft a condition that might be detrimental to
3 themselves. I didn't think the applicant was asking
4 for a decision today, in any event, that he was just
5 asking for 10 minutes of our time.

6 MR. COLLINS: We're very anxious to move
7 forward and if we can take a few minutes to discuss
8 concerns, we would be willing to stipulate locations
9 of signage if that is an issue that -- if it was
10 conflict to grant that today, in words we could do
11 that. You know, a limitation on so many feet, no more
12 than second floor height or none around the back
13 facing the cemetery, things like that we would be
14 happy to do that.

15 COMMISSIONER PARSONS: That's the kind of
16 thing I was looking for, but we're running out of
17 time.

18 MR. COLLINS: I see.

19 COMMISSIONER PARSONS: Your 10 minutes is
20 up.

21 MR. COLLINS: If we could submit
22 something? If I could just suggest, may we submit
23 something and if we can get a decision before the July
24 public meeting of the Board?

25 VICE CHAIR MILLER: Yes, I think --

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1 COMMISSIONER PARSONS: Oh, I think we can
2 do that.

3 VICE CHAIR MILLER: Oh, that would
4 definitely be possible.

5 MR. COLLINS: Great.

6 VICE CHAIR MILLER: You know, I'm looking
7 at the clock and it's 4:55. I don't think we're going
8 to finish the first case in any event, so I guess my
9 question for you, Mr. Parsons, is if there is any
10 questions you want to explore with the applicant while
11 they are here, you should feel free to do that or do
12 you just want to leave it up to them to submit?

13 COMMISSIONER PARSONS: As I have observed,
14 and of course, I haven't driven by there lately, they
15 use the interior of their building to place signage in
16 it with windows, so they can advertise from within on
17 the third story level, and I just don't think that is
18 appropriate here. I think it ought to be at the
19 street level at Bladensburg Road. I don't think it
20 should be seen from the cemetery or the arboretum. We
21 could craft a sentence like that. We are plum out of
22 time and we gave the applicant 10 minutes and I don't
23 want to negotiate it here.

24 VICE CHAIR MILLER: Right.

25 COMMISSIONER PARSONS: Let's stop.

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1 VICE CHAIR MILLER: No, I just --

2 COMMISSIONER PARSONS: It's not fair to
3 the others.

4 VICE CHAIR MILLER: No, I just think it
5 was important for them to hear what your concerns are,
6 so that when they go back to draft their submittal,
7 they have heard it.

8 COMMISSIONER PARSONS: Yes.

9 VICE CHAIR MILLER: And there is no
10 problem with a decision in the July meeting, provided
11 we get the submittal at least a week ahead of time.

12 MR. COLLINS: We were hoping to get the
13 decision before the July meeting.

14 VICE CHAIR MILLER: Before.

15 MR. COLLINS: If we can get you something
16 next week, if we could get a decision, you know, in
17 the next couple of days we get a decision sooner than
18 the July meeting if that's possible.

19 COMMISSIONER PARSONS: Well, we'll be here
20 on the 22nd, I will for the Sheridan Kalorama. It
21 shouldn't take long.

22 VICE CHAIR MILLER: Exactly. Let's do
23 that then. Would that meet your needs if we scheduled
24 this for decision making on July 22nd?

25 COMMISSIONER PARSONS: June 22nd.

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1 VICE CHAIR MILLER: June, June 22nd.

2 MR. COLLINS: Thank you. And we would get
3 something back to you within a week by the 15th?

4 VICE CHAIR MILLER: Yes.

5 MR. COLLINS: All right. That's fine.
6 Thank you.

7 VICE CHAIR MILLER: Okay. Thank you.

8 BOARD MEMBER ETHERLY: And that would be
9 for a 9:00 a.m. Special Public Meeting? Is that
10 correct, Madam Chair?

11 VICE CHAIR MILLER: Oh, yes, yes, 9:00
12 a.m. Public Meeting. Is that correct, Mr. Moy?

13 MR. MOY: Yes.

14 VICE CHAIR MILLER: Okay. Mr. Moy, do you
15 want to just state for the record the dates again?

16 MR. MOY: Yes, I can do that. This case
17 will be decided on June 22nd with the submissions as
18 discussed due in the office by June 15th.

19 MR. COLLINS: Thank you for accommodating
20 us. Thank you, Madam Chair.

21 VICE CHAIR MILLER: Mr. Collins, I just
22 want to make sure we know what will be submitted on
23 the 15th.

24 MR. COLLINS: We --

25 VICE CHAIR MILLER: It's a plan for the

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1 signage, a description of the signage?

2 MR. COLLINS: It probably will be
3 something, what we're envisioning now, just a brief
4 discussion, a location within which the signage will
5 go, maybe on the elevation we could draw a box within
6 which the signs would go. We haven't developed the
7 signage yet, but we can also send photos of what
8 signage looks like in other buildings and to give you
9 an idea what the kind of signage looks like, but we
10 can give you a location, parameters where we're
11 thinking about signage.

12 BOARD MEMBER ETHERLY: And then, as Mr.
13 Parsons was getting to, help, kind of relate that to
14 lines of sight from the arboretum or at least that
15 direction and, perhaps even more importantly, the
16 cemetery, I think, just having some sense of how that
17 signage relates to those particular two properties.

18 MR. COLLINS: I think the cemetery is the
19 easy one.

20 BOARD MEMBER ETHERLY: Okay.

21 MR. COLLINS: We just wouldn't put any on
22 that side of the building, but that's a good idea. We
23 could maybe even take photos.

24 VICE CHAIR MILLER: And the other thing I
25 want to make sure is that, you know, that you did hear

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1 Mr. Parsons' comments that you will be submitting
2 signage that's responsive to them, his concerns.

3 MR. COLLINS: Yes. Well, the specific
4 signage itself, I'm not sure we can develop that
5 within a week, but we can give locations where the
6 signage would go, the approximate dimensions of the
7 signage, location on the building where that dimension
8 will occur and photos of other signage on other
9 buildings that we can use as examples.

10 BOARD MEMBER ETHERLY: Right. Because as
11 you said, you have a very standard, the applicant has
12 a very standard --

13 MR. COLLINS: Yes.

14 BOARD MEMBER ETHERLY: -- color scheme and
15 layout.

16 MR. COLLINS: Yes.

17 BOARD MEMBER ETHERLY: That is used.

18 MR. COLLINS: That is correct.

19 BOARD MEMBER ETHERLY: With pictures of
20 how it looks in other sites.

21 MR. COLLINS: Right.

22 BOARD MEMBER ETHERLY: And then
23 indications on this current site plan and elevation.

24 MR. COLLINS: Where it would go.

25 BOARD MEMBER ETHERLY: Where you would

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1 suggest placement, I think that would --

2 MR. COLLINS: Right.

3 BOARD MEMBER ETHERLY: That should
4 probably fill it out nicely.

5 MR. COLLINS: Great. Okay.

6 VICE CHAIR MILLER: But my understanding
7 is there may be some kind of adjustments to respond to
8 some of the concerns that have been expressed up here.

9 MR. COLLINS: Exactly.

10 VICE CHAIR MILLER: Okay.

11 MR. COLLINS: Exactly. We would look at
12 that and just make sure we are responsive.

13 VICE CHAIR MILLER: Thank you.

14 MR. COLLINS: We understand. Thank you.

15 MR. MOY: Madam Chair, the staff could
16 also ask would the information also go as far as to
17 whether the signs will be lit, how it would be
18 illuminated, if at all. Is that not -- no need?
19 Okay.

20 VICE CHAIR MILLER: Thank you. I think,
21 at this point, we can recall the previous case for the
22 next 28 minutes. Okay. We left off with Mr. Moore
23 having completed his report on this case, and I think
24 we're ready for Board questions.

25 BOARD MEMBER ETHERLY: Just very briefly,

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1 Madam Chair. Mr. Moore, excellent report, as always
2 with regard to this application. What I'm curious
3 about is I just want to clarify. Let me deal quickly
4 with the alley and that brief discussion that we had
5 regarding some of your inquiries with MPD.

6 Are you anticipating getting information
7 from MPD that is more specific to this particular PSA
8 as it relates to the experience of police in this
9 particular area?

10 MR. MOORE: Yes, I am.

11 BOARD MEMBER ETHERLY: Okay. So that is
12 going to be information that's going to be
13 forthcoming. The second question, back on traffic.
14 We had substantial discussion and illustrations,
15 photographic illustrations of the parking situation on
16 the street.

17 Does that in any way change your
18 perception of the parking inventory as it currently
19 stands on the subject property street or do you still
20 believe that there would be serious concerns and
21 impact to the residential parking?

22 MR. MOORE: I still believe there will be
23 impact to the existing residential population, and I
24 would ask the Board to consider the DDOT report that
25 also came in that talks about the traffic.

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1 BOARD MEMBER ETHERLY: Okay.

2 MR. MOORE: And the parking situation.

3 BOARD MEMBER ETHERLY: Okay. Thank you.
4 Thank you, Madam Chair.

5 VICE CHAIR MILLER: I have some questions.
6 How far is the nearest Metro?

7 MR. MOORE: Metro, you mean train or bus,
8 train?

9 VICE CHAIR MILLER: Well, let's start with
10 train.

11 MR. MOORE: Train, the closest one, I
12 could be wrong, is probably Columbia Road.

13 UNIDENTIFIED SPEAKER: Petworth.

14 MR. MOORE: I mean, 14th and -- oh,
15 Petworth is closer?

16 VICE CHAIR MILLER: How far away is it?

17 MR. MOORE: I'll settle on Petworth, about
18 four, five blocks.

19 VICE CHAIR MILLER: Okay.

20 MR. MOORE: New Hampshire Avenue, okay,
21 we'll show the map.

22 VICE CHAIR MILLER: Is that --

23 MR. MOORE: It's not walking distance
24 definitely.

25 VICE CHAIR MILLER: It's not -- they are

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1 long blocks, is that it?

2 MR. MOORE: Rather long, yes.

3 VICE CHAIR MILLER: Okay. I think you
4 made a statement about there being only three kids 6
5 years and under in a certain grouping, and what was
6 the grouping? That was kind of astounding.

7 MR. MOORE: Actually, what the data shows
8 is that there are actually four kids, according to the
9 2000 Census, in Census Block 4 right at 6 years-old.
10 Below 6 years-old, that is between 1 and 5, there were
11 only three at that point and that's on the tables. In
12 your packet, I think it should be the last set of
13 data. I don't have mine with me. I gave mine to the
14 community, that one right there.

15 Did you find it, Madam Chair?

16 VICE CHAIR MILLER: Well, we're looking at
17 it now, right.

18 MR. MOORE: Okay.

19 VICE CHAIR MILLER: Did you talk to a lot
20 of neighbors near the proposed site about how they
21 felt about it?

22 MR. MOORE: Six including the ANC
23 Commissioner.

24 VICE CHAIR MILLER: Six?

25 MR. MOORE: Yes.

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1 VICE CHAIR MILLER: Okay. And what was
2 the response?

3 MR. MOORE: And the principal at West
4 Elementary School. If I were to sort of summarize the
5 -- of course, the principal was ambivalent about it.
6 He didn't offer a position, either positive or
7 negative. He did say that he had preschool in his
8 school. I forgot exactly how many slots he said he
9 had.

10 So the question in my mind was does the
11 public school, which provides those kinds of services,
12 qualify as a child care facility or not and I still
13 haven't gotten an answer to that. I did send a memo
14 to Valerie Ware at the Health Department with all
15 sorts of questions on there. I have not gotten
16 answers from her yet, including what the -- the same
17 information that the applicant has already provided
18 about how many licensed facilities are within the
19 1,000 foot range.

20 Of course, in my testimony, you will
21 notice I didn't use the expression licensed child care
22 facilities. I said these are services that's geared
23 toward a youth population in an area where there is an
24 elderly population, so I didn't try to quantify it in
25 that regard.

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1 VICE CHAIR MILLER: I think my last
2 question is are you familiar with other child
3 development centers like this on quiet residential
4 streets and how well they work out?

5 MR. MOORE: I am extremely familiar. As a
6 matter of fact, I think the record, the history will
7 reflect that the Office of Planning under -- when I
8 make testimony on child care facilities, we are very,
9 very, very pro child care facilities. The hugest
10 defeat that we have had, from my perspective, was the
11 Hurst Terrace case, Mrs. Allen. I don't know if
12 you're familiar with that case.

13 Mr. Etherly, I think you were on the Board
14 when it came up about a year and a half ago where on
15 Hurst Terrace up in Georgetown she had -- an existing
16 facility has been there for 20, 30 years or so and
17 when she sought renewal, there were members of the
18 community that was opposed to the facility being
19 relicensed. She wanted a 10 year period based on her
20 extensive track record and the period that she had
21 been in operation.

22 Because of the opposition, the Board only
23 approved it for three years and, ironically, the
24 opposition was led by people whose children had gone
25 to school there and I didn't quite understand that,

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1 but we believe that there is a serious incline of the
2 youth population in the District of Columbia, and it's
3 needed, so we know that there is a serious need to
4 child care all over the city, but there are isolated
5 pockets where it simply doesn't mix well and, in our
6 opinion, this is one of those locations.

7 VICE CHAIR MILLER: This meaning this
8 particular one that's before us today?

9 MR. MOORE: 1309, yes.

10 VICE CHAIR MILLER: I guess my question is
11 just a little broader. Do they work in some instances
12 on quiet residential streets?

13 MR. MOORE: Yes. But again, it would have
14 to do with the population mix. Whenever you have got
15 the two extremes, that is one very young population
16 and one -- there isn't much of a medium that can be
17 reached. In areas that are being redeveloped, in many
18 cases they are being redeveloped by people who are
19 still in childbearing years or just out of them, and
20 so the mix can be a lot better in those areas. It can
21 be in areas variously situated.

22 Example. As one of the community
23 representatives said to me, I don't even remember the
24 names, a couple who live in proximity to the child
25 care facility wait until the rush hour is over in the

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1 morning to go shopping, wherever they go to get
2 groceries and come back with the reasonable
3 expectation that they can park in proximity to their
4 home for more than one reason. One, to get your
5 groceries in and out, but as it was explained to me
6 recently, there has been also two vehicles stolen on
7 the block right in the proximity of the facility, so
8 people want to have their vehicles where they can
9 watch them, notwithstanding also for, I must say,
10 health reasons to do that also, people want to park
11 close to where they live.

12 On a quiet residential block, there is
13 reasonable expectation that they can do that. When
14 you have a new use to come in that's contrary to that,
15 of course, it creates a level of disruption.

16 VICE CHAIR MILLER: Okay. Thank you. Are
17 there any other Board questions? Mr. Keys, do you
18 have some questions for the Office of Planning?

19 MR. KEYS: Absolutely.

20 VICE CHAIR MILLER: Okay.

21 MR. KEYS: Mr. Moore, you have given us
22 this map of Census Tract Block 4 and Census Tract
23 Block 4 really covers, essentially, a one block area
24 around the subject property.

25 Why did you limit it to a one block area?

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1 MR. MOORE: If you heard my testimony, I
2 did not limit it to a one block area. I said that
3 Census Block Group 4 consists of this area shown in
4 this map and I gave the boundaries for that area as
5 being west of Georgia Avenue, east of 14th, south of
6 Hamilton and north of Emerson.

7 MR. KEYS: I understand. What's the
8 difference between Farragut Street and Emerson Street,
9 the difference, the distance? What is this, one
10 block?

11 MR. MOORE: Yes.

12 MR. KEYS: What is the distinction between
13 13th and Farragut and 14th and Farragut? It's one
14 block.

15 MR. MOORE: I don't understand the nature
16 of the question.

17 MR. KEYS: But the point is that you have
18 limited your information to a one block radius around
19 the subject property. I'm just wondering why.

20 MR. MOORE: Should I have limited it to
21 any other place?

22 MR. KEYS: Mr. Moore, let me ask you this.
23 Your report indicates that according to 2000 Census
24 data, Ward 4 has the highest number of elderly. Is
25 that correct?

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1 MR. MOORE: That is not correct and it's
2 not what I testified to, sir.

3 MR. KEYS: Oh, I'm sorry. I'm looking at
4 your report. What did you testify to?

5 MR. MOORE: I think I made a point that
6 Ward 5 was slightly higher.

7 MR. KEYS: Oh, so the report's in error?

8 MR. MOORE: It may be.

9 MR. KEYS: But doesn't your report say
10 that it has the largest group of elderly?

11 MR. MOORE: Yes.

12 MR. KEYS: So the report's in error?

13 MR. MOORE: If they are both at 17
14 percent, sir, what are they? I call that coequal.

15 MR. KEYS: I would like to offer you or
16 suggest that there are some other statistics in the
17 Census that were equally available to you that you
18 didn't use. This information, by the way, was
19 available from the Office of Planning's website.

20 MR. MOORE: Thanks for the advertisement.
21 We need it.

22 VICE CHAIR MILLER: Mr. Keys, do you have
23 copies of that for --

24 MR. KEYS: Oh, yes, yes, I do. I'm just
25 trying to identify the one I wish to show him.

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1 BOARD MEMBER ETHERLY: As we're going
2 through this, Madam Chair, I would perhaps suggest a
3 teeny bit of latitude, because, of course, Mr. Keys is
4 aware of the need for cross examination here, as
5 opposed to the introduction of testimony. So help us
6 in the form of a question with regard to this new
7 information, because I would be concerned about it
8 being more so the introduction of testimony.

9 MR. KEYS: No, I mean, he has introduced
10 and presented at this hearing Census data.

11 BOARD MEMBER ETHERLY: Yes.

12 MR. KEYS: That comes off the Office of
13 Planning website. I would like to offer other Census
14 data from the Office of Planning website that
15 establishes a contrary point. And my question is why
16 Mr. Moore includes certain Census data and excludes
17 others.

18 VICE CHAIR MILLER: Well, I think that's a
19 fine question, but I think the Board should have a
20 copy of what you're asking questions about.

21 MR. KEYS: Yes, I intend to.

22 VICE CHAIR MILLER: As should the other
23 parties.

24 MR. KEYS: I intend to distribute it as
25 soon as I can.

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1 VICE CHAIR MILLER: Mr. Moore, do you have
2 a copy of it right now?

3 MR. MOORE: I have given copies of mine to
4 the other parties.

5 VICE CHAIR MILLER: No, but do you have a
6 copy of what Mr. Keys is going to be questioning you
7 about?

8 MR. KEYS: I just gave it to him.

9 MR. MOORE: I don't know what he would
10 want to question me about.

11 VICE CHAIR MILLER: Okay.

12 MR. MOORE: I'm waiting.

13 VICE CHAIR MILLER: No, I was just going
14 to say why don't you take the time to look it over
15 while we're getting copies of it.

16 MR. MOORE: I'm familiar with the Census
17 data.

18 MR. KEYS: Mr. Moore, if you would just
19 turn to the second page. What is the Census tract
20 that we're interested in? It's 20.02, isn't it?

21 MR. MOORE: That's correct.

22 MR. KEYS: And if we look at -- 20.02 is
23 the area that is -- this is signed in support of,
24 correct?

25 MR. MOORE: Yes, it is.

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1 MR. KEYS: And if we're looking at the age
2 group 0 to 5, what does that say?

3 MR. MOORE: From the document that you
4 just provided me?

5 MR. KEYS: Yes.

6 MR. MOORE: Unless you have a different
7 copy than I have, I don't see a 0 to 5 category. I
8 see 0 to 4.

9 MR. KEYS: I'm sorry, I have given you the
10 wrong one. I have got too many pieces of paper. I
11 apologize, Madam Chair. I have misplaced the
12 information that I wanted to make reference to, but it
13 is, and I will submit it subsequently, it's
14 information that simply shows that the number of
15 children 0 to 4 years of age in the 2000 Census, in
16 the 20.02 Block Group, tract, Census tract was 206.

17 VICE CHAIR MILLER: Can you frame it as a
18 question then? Can you perhaps just paraphrase?

19 MR. KEYS: Yes. Mr. Moore, did you look
20 at information about the number of children in Census
21 Tract 20.02?

22 MR. MOORE: Yes, I did.

23 MR. KEYS: And what conclusion, what
24 number did you come up with?

25 MR. MOORE: I just put that number on the

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1 record as being three.

2 MR. KEYS: No, Census Tract 20.02.

3 MR. MOORE: Again, I have just put that
4 information on the record.

5 MR. KEYS: Let's try it another way.

6 VICE CHAIR MILLER: Mr. Keys, you also
7 have an opportunity for rebuttal.

8 MR. KEYS: Oh, that's right. That's
9 right.

10 VICE CHAIR MILLER: You found it?

11 MR. KEYS: I'm sorry for the confusion.

12 VICE CHAIR MILLER: That's okay.

13 MR. KEYS: Would you turn to the second
14 page and would you look at Census Tract 20.02? Look
15 at the column age 0 to 4 and tell me what it says.

16 MR. MOORE: First, these are the same
17 documents that you gave me before. This is the same
18 document you gave me earlier.

19 UNIDENTIFIED SPEAKER: 0 to 4.

20 MR. MOORE: I'm sorry, are you phrasing
21 the question or is Mr. Keys? This is the same
22 document.

23 MR. KEYS: 0 to 4.

24 MR. MOORE: It's the same. I already had
25 it, it's the same.

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1 MR. KEYS: 0 to 4. Okay. Turn to the
2 second page, look at that column.

3 VICE CHAIR MILLER: Mr. Keys, can you
4 state for the record what we all should be looking at?

5 MR. KEYS: I'm sorry.

6 VICE CHAIR MILLER: That's okay.

7 MR. KEYS: You should be looking at the
8 Office of Planning's Census 2000 population by age, by
9 Census tract. You should be looking at the second
10 page of that document and looking at the last, the
11 very last line. It is Census Tract 20.02 looking at
12 the third column in that line, which is the number of
13 children age 0 to 4 in that Census tract.

14 What's the number, Mr. Moore?

15 MR. MOORE: The number is 206.

16 MR. KEYS: 206?

17 MR. MOORE: Yes.

18 MR. KEYS: Not three?

19 MR. MOORE: Not three.

20 MR. KEYS: Mr. Moore, Block 4, which you
21 have cited, is one of four blocks composing Census
22 Tract 20.02. Is that correct?

23 MR. MOORE: Those four blocks make up that
24 group.

25 MR. KEYS: So there are 206 children under

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1 this Census within the ages of 0 and 4 in the 2000
2 Census in the Census tract?

3 MR. MOORE: According to this data, yes.

4 MR. KEYS: According to the Office of
5 Planning's data.

6 MR. MOORE: The Office of Planning don't
7 provide the data. We simply interpret it. This is
8 Census data. It's not the Office of Planning's data.

9 MR. KEYS: All right. I will take the
10 U.S. Government Census data. Also, Census data, Mr.
11 Moore, I think you passed this out as an exhibit.

12 MR. MOORE: Yes, I did.

13 MR. KEYS: Do you still have that with
14 you?

15 MR. MOORE: No, I don't. It's in front of
16 you. Go right ahead. Don't stop.

17 MR. KEYS: What I would like you to note
18 and, you know, I will ask a question.

19 VICE CHAIR MILLER: Mr. Keys, we have a
20 record here.

21 MR. KEYS: Yes.

22 VICE CHAIR MILLER: What document are you
23 referring to?

24 MR. KEYS: I am looking at what Mr. Moore
25 distributed as part of his Census information

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1 exhibits. This is the summary sheet with 2000
2 population by age, by ward. Now, Mr. Moore used this
3 sheet to point out that Ward 4 had the second highest
4 number of elderly people, but this sheet also
5 demonstrates, if you'll look at the Ward 4 column, for
6 the number of children age 0 to 4 that Ward 4 has the
7 highest number of children 0 to 4 in Wards 1, 2, 3, 4,
8 5 and 6. The only wards with more children in the
9 youth age are in Wards 7 and 8.

10 Is that correct, Mr. Moore?

11 MR. MOORE: I'm missing the point.

12 MR. KEYS: I asked you is that correct?

13 MR. MOORE: Yes, Ward 7 and 8 have a
14 higher percentage of youth population.

15 MR. KEYS: No, Ward 4 has the highest
16 number of children 0 to 4 years of age west of the
17 Anacostia River.

18 MR. MOORE: That is a selective use of the
19 data. I have no problem with that.

20 MR. KEYS: Mr. Moore, you visited the site
21 on what day?

22 MR. MOORE: If you would make that plural,
23 I visited the site Tuesday two weeks ago, Monday two
24 weeks ago.

25 MR. KEYS: What time of the day?

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1 MR. MOORE: This past Friday.

2 MR. KEYS: I'm sorry?

3 MR. MOORE: Midday and I did encounter
4 some people in this room on that day. It wasn't in
5 isolation, as I said. I did encounter members of the
6 community when I visited. But two times recently, one
7 for photographs and one for just observation.

8 MR. KEYS: And what time of day were you
9 there? The Monday you were there, you said at noon,
10 you said?

11 MR. MOORE: Midday-ish.

12 MR. KEYS: That was the day you missed the
13 appointment with me?

14 MR. MOORE: Yes. For the record, I did
15 miss an appointment with him and I did apologize for
16 that.

17 MR. KEYS: I'm glad you were at the site.

18 MR. MOORE: I was at the site and he was
19 at my office.

20 MR. KEYS: What was the other day?

21 MR. MOORE: Friday this past week.

22 MR. KEYS: What time of day was that?

23 MR. MOORE: Approximately, 2:30.

24 MR. KEYS: Did you drive there?

25 MR. MOORE: Yes, I did.

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1 MR. KEYS: Where did you park?

2 MR. MOORE: On Farragut.

3 MR. KEYS: Thank you. Mr. Moore --

4 MR. MOORE: May I ask the point of that?

5 MR. KEYS: I don't have to explain why I
6 ask you a question. Mr. Moore, do you know what
7 prekindergarten consists of in elementary school?

8 MR. MOORE: Yes, I do.

9 MR. KEYS: Can you tell me what age groups
10 it includes?

11 MR. MOORE: I think around from 2 and a
12 half to 4.

13 MR. KEYS: And where did you learn that?

14 MR. MOORE: As I said, I talked to the
15 principal at West Elementary School.

16 MR. KEYS: And he told you that he
17 includes children 2 and a half years of age to 4 years
18 of age in his pre-K program?

19 MR. MOORE: He told me that he had pre-K
20 in his school. To me pre-K does mean before first
21 grade.

22 MR. KEYS: Mr. Moore, the principal did
23 not tell you that West Elementary enters children in
24 pre-K at 2 and a half years of age, did he?

25 MR. MOORE: Nor did I testify to that.

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1 MR. KEYS: You have indicated that you had
2 some familiarity with the Your Community Center.

3 MR. MOORE: What I said is that I
4 interviewed the operator of Your Community Center.

5 MR. KEYS: And are you aware of the age
6 groups that Your Community Center is authorized to
7 have?

8 MR. MOORE: According to the operator, she
9 does have children there no more than 4 years-old.

10 MR. KEYS: I would like to show you, and I
11 think this is a BZA record, so this is an easy one to
12 admit, this is the BZA's order in Application 16532
13 for the Your Community Center dated January 19, 2000.

14 VICE CHAIR MILLER: Mr. Keys?

15 MR. MOORE: I'm familiar with that.

16 VICE CHAIR MILLER: I'm sorry. I think I
17 want to pause here, because I have promised the staff
18 that we would end at 5:30. Unless this is your last
19 question, I think --

20 MR. KEYS: Oh, no, not for this witness.

21 VICE CHAIR MILLER: Okay. Then I think we
22 might as well just stop right here and pick up next
23 time.

24 MR. KEYS: Thank you.

25 VICE CHAIR MILLER: With Office of

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1 Planning. And look, is Mr. Moy here? Oh, Mr. Moy
2 stepped out. Okay. Why don't you finish that then?
3 When Mr. Moy comes back, what I want to do is --

4 MR. KEYS: Oh, I can finish the question?

5 VICE CHAIR MILLER: Well, because Mr. Moy
6 isn't here.

7 MR. KEYS: Okay.

8 VICE CHAIR MILLER: Finish the question
9 and then we'll look for the next date.

10 MR. KEYS: Good. Mr. Moore, what I have
11 shown you is the Board's order in the Your Community
12 Center case, and I would like you to turn to the
13 second page and read the condition that's attached to
14 her operation of that center, the first condition on
15 that page.

16 MR. MOORE: "Enrollment at the center
17 should not exceed 40 children aged 6 to 12."

18 MR. KEYS: If, indeed, she is operating
19 with children as young as 4 years of age, she is in
20 violation of that condition, isn't she?

21 MR. MOORE: That is not my position, sir.
22 I only said what I told you. I interviewed her and
23 she told me. You can ask that question of her if you
24 want to.

25 MR. KEYS: Mr. Moore, do you have any

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1 experience with early childhood education?

2 MR. MOORE: Yes, I do.

3 MR. KEYS: Could you describe that
4 experience?

5 MR. MOORE: I am --

6 VICE CHAIR MILLER: I think that's a
7 little bit broad unless you can say how that's related
8 to --

9 MR. MOORE: It's okay.

10 VICE CHAIR MILLER: It's okay? All right.
11 Go ahead.

12 MR. MOORE: I am a founding member of the
13 Childcare Collaborative in the District of Columbia
14 that built and operate two child care facilities east
15 of the Anacostia River, one being the Fred Douglass
16 Center at Alabama and 21st, and the second being the
17 Fred Douglass II, which is on Staunton Road at Alabama
18 Avenue in the back of Turner Elementary School.

19 MR. KEYS: Did you work at those centers?

20 MR. MOORE: I think I just said that I was
21 a founding member of the board.

22 VICE CHAIR MILLER: Okay, Mr. Keys.

23 MR. MOORE: That built two centers.

24 VICE CHAIR MILLER: I'm going to break
25 here.

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1 MR. KEYS: All right.

2 VICE CHAIR MILLER: Okay. It's 5:29. I
3 think what I want to do is just get a quick idea of
4 how much more time you all estimate this case will
5 take. Do you have an idea of how long your cross will
6 take?

7 MR. KEYS: It just depends on how willing
8 Mr. Moore is to answer the questions I ask.

9 VICE CHAIR MILLER: No, I think --

10 MR. KEYS: Because I'm going around in
11 circles.

12 VICE CHAIR MILLER: No, I don't think
13 that's a fair response. Mr. Moore has answered your
14 questions. So it really depends on how many questions
15 you think you're going to have.

16 MR. KEYS: Well, I have questions for Mr.
17 Moore. I had hoped Mr. Bah from DOT who submitted a
18 report would also be here.

19 VICE CHAIR MILLER: Okay.

20 MR. KEYS: To be available for cross
21 examination. He is not here. I probably have 20
22 minutes of questions for Mr. Bah, maybe another 10 for
23 Mr. Moore.

24 VICE CHAIR MILLER: Okay. And ANC, do you
25 want to come to the table? You might as well all come

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1 to the table, Mr. Morrow. Let's just make a best
2 estimate, you know, as to whether this is going to be
3 a couple of hours, is it going to be an hour, so we
4 can fit you in good space.

5 Do you have any idea how long it will take
6 to -- well, ANC, you don't have a time limit.

7 MS. MITCHELL: I won't be all day.

8 VICE CHAIR MILLER: No.

9 MS. MITCHELL: Hopefully. I'm not sure
10 and simply because of the way the counsel's questions
11 are going.

12 VICE CHAIR MILLER: Yes.

13 MS. MITCHELL: I guess he brought some
14 more things to the table, but I probably am kind of
15 glad that it showed up. I would say an hour, give or
16 take.

17 VICE CHAIR MILLER: Do you think -- not
18 you, yourself, you mean the case an hour?

19 MS. MITCHELL: Probably.

20 VICE CHAIR MILLER: Mr. Morrow, do you
21 have any? You're not tied to this. I just am trying
22 to get a feel for scheduling.

23 MR. MORROW: Right, and I was going to
24 say, as you know, it's very difficult to try to do
25 that.

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1 VICE CHAIR MILLER: Yes.

2 MR. MORROW: But one of the things I just
3 -- you know, I don't know what you're planning as far
4 as when we would schedule the continuance of this
5 proceeding, but as you can see there is a number of
6 residents that have come down to testify. I might add
7 it's a great hardship.

8 VICE CHAIR MILLER: How many residents?

9 MR. MORROW: If I could have a show of
10 hands.

11 VICE CHAIR MILLER: Okay.

12 BOARD MEMBER ETHERLY: How many? Mr.
13 Morrow, how many witnesses will you need to call?

14 VICE CHAIR MILLER: Could be about 10.

15 MR. MORROW: Okay. Well, what I
16 anticipated is that I would just give a brief overview
17 and then I would call two, what I would consider
18 significant witnesses.

19 VICE CHAIR MILLER: Okay.

20 MR. MORROW: And then to the extent that
21 issues were not covered, then as the residents were
22 motivated to do so, have them come forward and put
23 their testimony on the record.

24 BOARD MEMBER ETHERLY: And Mrs. Mitchell
25 with the ANC, Mrs. Mitchell, it's your sense -- will

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1 the ANC be calling witnesses, per se?

2 MS. MITCHELL: No, and I say an hour, so
3 that I won't be too limited. It could take an hour or
4 30 minutes.

5 VICE CHAIR MILLER: Okay. I think we're
6 looking at up to two hours, I mean, somewhere between
7 one and two hours. Am I mistaken? I'm mistaken? You
8 think less?

9 UNIDENTIFIED SPEAKER: Yes, you're
10 mistaken. It's going to be longer.

11 VICE CHAIR MILLER: Longer? Okay. All
12 right. Let's say two hours anyway. You all had up to
13 an hour to present your case, you know.

14 MR. KEYS: That's correct.

15 VICE CHAIR MILLER: And then ANC has
16 whatever time and then we have three minutes, I
17 believe, for each person who wants to testify. Okay.

18 Mr. Moy, what dates do we have?

19 MR. MOY: I think the dates originally
20 that I had said earlier for the other case we're to
21 hold, other than the date that was selected for the
22 previous case.

23 VICE CHAIR MILLER: Can we go through them
24 again?

25 MR. MOY: Yes.

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1 VICE CHAIR MILLER: Okay. Because this is
2 going to take a chunk of time, we don't want to
3 schedule it on a day that's already filled with other
4 cases. So the first available date is July 20th.

5 Can all the parties make that date?

6 MR. KEYS: Yes.

7 MR. MORROW: Unfortunately, that's my
8 vacation period, so I'll actually be out of the
9 country.

10 VICE CHAIR MILLER: Will you be here July
11 27th?

12 MR. MORROW: I don't have any apparent
13 objections to it.

14 VICE CHAIR MILLER: Well, that's good,
15 because we go on recess in August, so this would be
16 the date. Are you unavailable, Mr. Keys?

17 MR. KEYS: I am out of town on the 27th.

18 VICE CHAIR MILLER: You're out of what?

19 MR. KEYS: Out of town the 27th.

20 VICE CHAIR MILLER: Out of town.

21 MR. KEYS: I think the difference is he is
22 a representative of a group of people. I would think
23 any one of them are able to reflect the interests of
24 the group.

25 MS. MITCHELL: And I'm out of town

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1 actually.

2 VICE CHAIR MILLER: Well, Mr. Morrow, do
3 you want to respond to that?

4 MR. MORROW: Yes, actually, one thing I
5 was starting out that the residents came down here
6 today at great hardship to some, and it may be
7 difficult to assemble people on the next day. So it's
8 already going to jeopardize us, because you can see we
9 have an elderly population. But one thing, the reason
10 why I was asked to serve as the representative, I'm an
11 attorney.

12 VICE CHAIR MILLER: Yes.

13 MR. MORROW: However, this is not my area
14 of expertise and the block felt comfortable with me
15 serving as the representative in that capacity. So
16 that's one of the reasons why I'm doing this in
17 addition to the fact that I care about what happens on
18 our block.

19 VICE CHAIR MILLER: Okay. Right. I guess
20 the question is is there another one, another attorney
21 in your group, you know?

22 MR. MORROW: Not to my knowledge.

23 VICE CHAIR MILLER: Okay. Well, let me
24 just confer with my Board Members to see whether or
25 not we can squeeze in this meeting. We would stay

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1 late or come early unless you have any other comments.

2 MS. MITCHELL: Actually, I'm supposed to
3 be out of town for the month of July.

4 BOARD MEMBER ETHERLY: Well, I think,
5 Madam Chair, it goes without saying, clearly, and this
6 is for everyone who has an interest in this case.
7 We're struck between a rock and a hard place today.
8 I'm sure the Board would be very desirous of staying
9 here and seeing this through until the end if we
10 could. As you heard us note, we did suffer a loss to
11 our extended BZA family and we do want to support that
12 individual today.

13 On the flip side of it, as Mr. Morrow
14 said, it goes without saying that members of the
15 community, residents in the immediate area and, of
16 course, the applicant have a very significant interest
17 in seeing this case get dealt with as quickly as
18 possible and, ideally, in such a way that you all have
19 an opportunity to provide some input. I don't know,
20 for the benefit of my colleagues, if we're going to be
21 able to find a day that gets us there and, at the same
22 time, doesn't keep the application in limbo for more
23 than two months.

24 So, you know, as we continue to look at
25 the calendar, we'll see what we can do to accommodate

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1 everyone, because I'm sure we want to be sure that
2 everyone has an opportunity to weigh in on this issue.

3 VICE CHAIR MILLER: Okay. Okay. We have
4 one other option. Okay. This is what we would like
5 to do to accommodate everybody if we can, that is to
6 schedule you for next week, the first case in the
7 afternoon. We have another school scheduled for 1:00,
8 but we have decided that we could move them a couple
9 of hours later and start them at 3:00. We don't know
10 how long the morning is going to take. We usually
11 start at 1:00.

12 I don't know how iffy to make this. If
13 the morning went more quickly, perhaps we could start
14 a little earlier, but that's our window. We cannot go
15 though all afternoon on this case, but we can, you
16 know, give a good two hours or whatever.

17 MR. KEYS: Madam Chair, I promise I will
18 compress whatever I have got to do by way of
19 questions.

20 VICE CHAIR MILLER: Okay.

21 MR. KEYS: And, you know, I will not take
22 up time.

23 VICE CHAIR MILLER: Okay. What I would
24 like to do is, I mean, we normally schedule for 1:00
25 in the afternoon. I don't know if we can say that if

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1 we're done earlier, we can start earlier if everybody
2 is here.

3 MR. MORROW: That would be June 15th?

4 VICE CHAIR MILLER: June 15th, yes.

5 MR. MORROW: Is that correct?

6 VICE CHAIR MILLER: That is correct.
7 Should we set it for 1:00?

8 BOARD MEMBER ETHERLY: I would suggest
9 just go ahead and setting it for 1:00.

10 VICE CHAIR MILLER: Yes, that has been our
11 track record.

12 BOARD MEMBER ETHERLY: We'll try and be as
13 diligent as possible with the morning session.

14 VICE CHAIR MILLER: Yes, let's say 1:00.

15 BOARD MEMBER ETHERLY: But As you heard
16 the Chair mention, there will be some pressure in
17 terms of that later case that's coming up in the
18 afternoon. So with the opportunity to speak, Madam
19 Chair, I would say let's try to be as focused and as
20 specific as possible.

21 I think we covered excellent ground today
22 and identified some issues for discussion, but just as
23 guidance for the applicant, I will continue to be
24 looking for some very poignant discussion on section
25 205 and, in particular, I would just highlight for

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1 you, I think for me a concern is going to be 205.3 as
2 it speaks to traffic, 205.4, which talks about the
3 off-street parking spaces. We had some extended --

4 VICE CHAIR MILLER: Excuse me, wait.

5 BOARD MEMBER ETHERLY: Please, please,
6 ladies and gentlemen.

7 VICE CHAIR MILLER: We can't have speaking
8 in the audience while a Board Member is speaking.

9 BOARD MEMBER ETHERLY: Thank you.

10 VICE CHAIR MILLER: If you want to make --
11 have something to say, just wait until I call on you.

12 BOARD MEMBER ETHERLY: What is very
13 critical about this, and I want to be very clear about
14 this, I understand your concern, but for me as one
15 Member, I'm just speaking as one Member, this is not
16 about hide the ball. The test is very clear. My
17 guidance to all of the parties and persons in
18 opposition and persons in support is always be very
19 clear and very focused with regard to the tests that
20 is at issue here.

21 I understand your passion. I understand
22 your concern about the impact potentially to the
23 community that you call home. We have a very specific
24 test that we need to follow, and the most important
25 duty for any one of us as a Board Member is to be sure

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1 that we stick to that test.

2 The same things that I'm talking with the
3 applicant about, members of the community, would also
4 do well and, of course, the ANC and the Farragut Block
5 Street would also do very well to speak to, okay, and
6 we talked about it up to this point, traffic, concerns
7 about impact with regard to off-street parking. I
8 think that still is a somewhat open issue. The
9 photographic evidence and illustrations were helpful,
10 but I think clearly the Office of Planning has a
11 position there and I would like to continue to hear
12 some discussion there. I think that's very important.

13 The reason why I highlight this for all of
14 you who are listening is it will help focus us next
15 week. We spent a lot of time today and it was very
16 important time and, in most instances, time well
17 spent, but what's going to be helpful for the
18 applicant and also what's going to be helpful for
19 those of you who might support the application or who
20 oppose the application, at every possible opportunity,
21 be aware of what our rules and regulations require us
22 to look at and couch your remarks in those terms. So
23 that is the spirit in which I suggest to all of you,
24 as I speak, these are the areas that are still of
25 concern to me, traffic, off-street parking and,

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1 clearly, I think that end special exception test as it
2 relates to the impact or the harmony with the Zoning
3 Regulations.

4 The issue here is you're asking us to say
5 go into a residential community. That's a high burden
6 to satisfy and it's an uphill battle here, so I want
7 to continue to hear some discussion there. Thank you,
8 Madam Chair.

9 VICE CHAIR MILLER: Okay.

10 BOARD MEMBER ETHERLY: That perhaps is a
11 longer recitation than usual, but I wanted to share.

12 VICE CHAIR MILLER: Yes, I know. We'll
13 hear from people in the audience in just one second.
14 I want to make a point also about next week. We are
15 definitely going to be under time constraints, and
16 what I want you to do is if you have any documents
17 that you want addressed in the hearing, if you could
18 submit those documents ahead of time to the Zoning
19 Office. How many copies do we need, Mr. Moy? 20, 20,
20 that's the way it is, so that they will be in the
21 record. The Board will have them and we won't waste
22 any time making copies during the proceedings.

23 MR. MORROW: Would that be, too, for
24 pictorial illustrations?

25 VICE CHAIR MILLER: Yes, it would be.

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1 MR. MORROW: 20?

2 VICE CHAIR MILLER: 20, Mr. Moy, isn't
3 that so?

4 MR. MOY: That's our past and current
5 practice.

6 VICE CHAIR MILLER: And by what date?
7 When would we need them, do you think?

8 MR. MOY: Well, the continued hearing is
9 next Tuesday.

10 VICE CHAIR MILLER: Right.

11 MR. MOY: So if you can get them to us by
12 Thursday, we usually have a mail-out to the Board
13 Members, all the materials.

14 VICE CHAIR MILLER: Can you do that?

15 MR. KEYS: Madam Chair, I mean, 20 copies
16 is usual and typical for initial filings, because they
17 are going out to agencies. They are going out to --
18 here we're dealing with a finite group of people who
19 need it. That's the Board Members, it's the parties
20 to the case. I mean, I'm hearing Mr. Morrow, if he
21 has color exhibits to submit, it's expensive to do 20
22 copies.

23 VICE CHAIR MILLER: Right, I hear what
24 you're saying.

25 MR. MOY: Okay. Well, then we'll go with

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1 12 copies.

2 VICE CHAIR MILLER: And all the parties
3 will need to have copies as well. Okay. Is that
4 clear?

5 MR. KEYS: But there are only three
6 parties in the case.

7 MR. MORROW: Yes.

8 VICE CHAIR MILLER: Oh, yes. No, our
9 office needs 12 apparently for Board Members, for our
10 records, for whatever, is that correct, and then the
11 others, it's additional to the parties that you need
12 to serve. So everybody will have them. Okay. Are
13 there any -- I understand. Yes?

14 MS. THOMPSON: I just want to clarify.

15 VICE CHAIR MILLER: You need to speak in
16 the mike and identify yourself.

17 MS. THOMPSON: Thank you. My name is
18 Dorene and I'm vice president of the Carter Barron
19 East Neighborhood Association.

20 VICE CHAIR MILLER: Okay.

21 MS. THOMPSON: And so I just wanted to
22 make clear that I'm here not necessarily representing
23 that block, but the larger community. I know there
24 have been references to the block.

25 VICE CHAIR MILLER: Okay.

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1 MS. THOMPSON: And this organization
2 wasn't mentioned, and I just wanted to make that clear
3 that I'm here in another capacity.

4 VICE CHAIR MILLER: Okay. And you will be
5 testifying for them?

6 MS. THOMPSON: Yes.

7 VICE CHAIR MILLER: For them next week.
8 Okay. Thank you. Okay. Are there any other
9 questions? Yes, come forward, please.

10 MS. CLASH: My name is Terri Clash and I
11 live at 1302 Farragut Street. If we wanted to submit
12 maybe a video, would we still need that many copies,
13 because I see that you have --

14 VICE CHAIR MILLER: Are you -- only
15 parties can submit evidence, so if you want to work
16 with one of the parties --

17 MS. CLASH: Right.

18 VICE CHAIR MILLER: You would be
19 submitting it as evidence.

20 MS. CLASH: Correct, because they used
21 pictures, but I was just wondering since you have a TV
22 and a VCR over there if it was possible to do a three
23 minute video of the activity on that block on a day.

24 VICE CHAIR MILLER: Right, I hear you.

25 MS. CLASH: On a Wednesday particularly,

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1 like tomorrow, because tomorrow is that street
2 cleaning thing.

3 VICE CHAIR MILLER: Okay. Right.

4 MR. MOY: Madam Chair?

5 VICE CHAIR MILLER: Yes?

6 MR. MOY: Considering the evidence she's
7 thinking about --

8 VICE CHAIR MILLER: Yes.

9 MR. MOY: No, we need at least one for
10 each Board Member, so that's five and one for the
11 record file, so that would be at least, a minimum of
12 six. Oh, you want to look at it? You just want one
13 copy, just one for the -- okay. I will yield to the
14 discretion of the Board.

15 VICE CHAIR MILLER: You're going to show
16 the video as part of your case presentation, is that
17 correct, as part of somebody's case presentation?

18 MS. CLASH: Yes.

19 VICE CHAIR MILLER: Then I don't think you
20 need that many copies, because we're all going to look
21 at it here. We're not going to look at it in advance.

22 MR. MOY: If that's the case, then that
23 would be what they would admit into the record.

24 UNIDENTIFIED SPEAKER: Just one for the
25 record.

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1 VICE CHAIR MILLER: Okay. Well --

2 BOARD MEMBER ETHERLY: Two.

3 VICE CHAIR MILLER: Two?

4 BOARD MEMBER ETHERLY: I would suggest
5 just two.

6 MS. CLASH: Okay.

7 BOARD MEMBER ETHERLY: One for the record
8 and in case something happens, and one that you would
9 use to show.

10 MS. CLASH: Okay.

11 BOARD MEMBER ETHERLY: So two.

12 MS. CLASH: Okay.

13 VICE CHAIR MILLER: Okay. One more
14 question then we need to go to our service.

15 MS. BRANDON-SONDEL: Hi.

16 VICE CHAIR MILLER: Hi.

17 MS. BRANDON-SONDEL: Heather Brandon-
18 Sondel, 1311 Farragut Street, party next door to the
19 location in question.

20 VICE CHAIR MILLER: Okay.

21 MS. BRANDON-SONDEL: If someone who is
22 present here today signed up as a witness and has
23 prepared testimony, but cannot be here on the 15th, can
24 their testimony be submitted by someone else?

25 VICE CHAIR MILLER: It could be submitted

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1 in writing.

2 MS. BRANDON-SONDEL: In writing even if --
3 can someone else read in absentia?

4 VICE CHAIR MILLER: Well, they could, but
5 let me say this, that we're going to be under time
6 constraints and we will read the testimony if you just
7 submit it in a letter.

8 MS. BRANDON-SONDEL: But doesn't it make
9 some sort of an impact on the Board to actually see
10 the number of residents who are here and if they were
11 here at one time, but can't come at a later time when
12 a vote will actually be considered, isn't that unfair?

13 VICE CHAIR MILLER: No.

14 BOARD MEMBER ETHERLY: Rest assured, the
15 impact is felt. The impact is felt.

16 VICE CHAIR MILLER: Let me say this. If
17 someone here says, you know, here, I would like to
18 submit for the record the testimony of so-and-so who
19 was here last week, but is unable to be here this
20 week, it's going to be given the same weight and,
21 actually, you know, when we read things, you know, we
22 definitely absorb them. It will be the same.

23 MS. BRANDON-SONDEL: Okay. Thank you.

24 VICE CHAIR MILLER: Okay. Okay. I think
25 that completes this case and this meeting is

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1 adjourned.

2 (Whereupon, the Public Hearing was
3 concluded at 5:51 p.m.)
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