

## MINUTES

ANC 6A Economic Development & Zoning Committee  
Wednesday March 16, 2011, 7-9:00 PM  
Sherwood Recreation Center (640 10<sup>th</sup> St, NE)  
2<sup>nd</sup> Floor Community Room

### Attendees

Commissioners: Drew Ronneberg (Chair), David Holmes, Nick Alberti  
Committee Members: Jeff Fletcher, Barbara Halleck, Charmaine Josiah, Dan Golden, Sharee Lawler, Phil Toomajian

### Call to order

### Status Reports

1. Resolution of previously heard BZA/HPRB cases
2. Vacant Properties (Dan Golden/Phil Toomajian):  
DCRA released its vacant/blighted/exempt lists for Spring 2011. If you are aware of any vacant or blighted properties let us know. ANC commissioners have been asked to survey the list for any discrepancies within their single member districts. The list is available online at [this location](#) and a document containing all the listed properties within ANC6A follows.
3. Zoning Regulations Rewrite (Drew Ronneberg):  
No update.
4. H Street Business Liaison Report (Charmaine Josiah/Sharee Lawler)  
Met with the representative of the fashion chamber of commerce who had applied for a grant for incubator space for designers. We are looking into the status of the grant, hoping that this will help make the properties more accessible to retail.

7:20 Old Business - None

### 7:20 New Business

1. BZA #18202 (808 9th St. NE). The owner is seeking a special exception to allow a two story rear addition with roof deck to an existing one-family row dwelling under section 223, not meeting the court (section 406) requirements in the R-4 District.

Jennifer Flower of Fowler Architects represented the owner of this property. The property is non-conforming in that the "court" (dogleg) is only 4' wide. The 4' wide "court" is the reason this special exception is needed. The property is 18' wide.

The addition will keep the dogleg rather than fill it in, maintaining the light and air between 808 9<sup>th</sup> St. NE and the adjacent property.

**Motion:** Move that ANC6A write a letter in support of this case. Passed 5/0.

2. BZA #18203 (1329 N. Carolina Ave. NE). The owner is seeking a special exception permit for a child development center (24 children with nine (9) infants from zero (0) to twenty-four (24) months old and fifteen (15) children from two (2) to twelve (12) years old and eight (8) staff under section 205) in the R-4 District.

Owners Sergio and Ximena Cespedes presented their case to the committee.

Mrs. Cespedes has been doing day care for seven children at 1329 North Carolina Ave. NE for some time, including their own four children. They would like to convert the home to a full-time day care center and move to another location as their family has outgrown this residence. Mr. Cespedes relayed that he spent a substantial sum remodeling the house and doesn't want to impact anyone's property value.

The day care center is really intended to support a total of eighteen children even though the application calls for 24 children. They don't intend to make any change to the overall look of the residence. They elected to apply for a 24-child permit on the advice of the permitting office.

### **Number of Children**

They expect to have 10 children ages 2 and up and 8 infants. The infants will be cared for in the basement. A total of 8 staff will support the care of the 15 children. As a matter of right, they can have up to 16 children; to exceed that number requires a special exception.

### **Traffic and Drop-off Parking**

The center will provide a valet service and they have already talked to parents. Anyone dropping children off will pull up by the house and one of the staff will retrieve the children; alternatively, parents have been asked to walk to drop their children off. Usually there are spaces available nearby for parents to use, especially on A Street. They had talked to DOT about having a drop zone but they were told that it is not necessary because the parking regulations allow anyone to park for up to 2 hours. They will also ask parents to sign a contract requiring that they not double-park.

### **Residents' comments:**

1. The street is now completely full now that Constitution is 2-way and having parents circle to find parking or waiting for valet would add to the congestion.
2. Going forward, we don't see how the use of public transportation or walking to the center could be enforced—the community would have no recourse.
3. The church at 13<sup>th</sup> and N. Carolina has summer camp that also causes parking issues. This would add to that.
4. Neighbors have seen parents parking in the opposite direction in order to pick up their children.
5. There is more traffic during the day than people realize.

### **Staff Parking**

Mr. Cespedes: There are three spaces behind the house that can be used for staff parking. Only one or two drive currently and others use public transportation. Mrs. Cespedes emphasized their request to the staff that they not park on the street and that they should use public transportation to get to work.

### **Residents' Comments:**

1. Nick Alberti reminded the Cespedes' that now that if the address becomes a commercial space the parking rules change. Cars cannot pull in behind each other in the configuration that would allow for 3 cars to park behind the house. In addition, space for commercial waste would be required.
2. There will be a substantial amount of waste with that many infants and small children—each child uses 8-10 diapers per day.
3. Going forward, we don't see how the use of public transportation or walking to the center could be enforced—the community would have no recourse.

### **Hours of operation**

Hours of operation would be somewhat flexible from 6:00 a.m. to 6:30 p.m., no later.

### **Access**

They would install a ramp in the back for handicapped access. However, it was pointed out that this access would not be available due to the parking requirement in the back of the building.

### **Noise**

Residents' comments

1. Noise is already a concern. Neighbors who work from home can hear the noise next door. They cannot work with the noise.
2. What about weekends?

### **Fence**

A wrought iron fence similar to those on neighboring property would be added as a safety feature for any children in the front yard.

Residents' Comments:

If you have a fence, it most likely will have to be different than the wrought iron fences at the neighbors; it will have to be higher and no spaces for the safety of the children. Mr. Cespedes believes their planned fence would be sufficient.

### **Zoning**

The address would not be zoned commercial but would stay residential. Another day care center could go into the space at a later time but not another/different business.

The special exception is good for three years. The business owner would have to reapply in 3 years.

The Committee was asked to consider the conditions for special exceptions:

1. Meet code/licensing requirements
2. Located and designed not to cause unsafe traffic conditions
3. Sufficient off-street parking
4. No objectionable impact such as noise, including on-side play areas
5. Measures to mitigate the impact of noise and other objectionable conditions on neighboring properties
6. No endangerment of children when accessing offsite play area.
7. No more than one other child care center within 1000 feet unless permitted by the BZA

### **Committee Comments**

1. The additional traffic and likely double-parking is not acceptable.
2. Cyclists will also be impacted by the additional cars, potential double parking on bike lanes.
3. 18 children will undoubtedly create noise that would negatively impact the neighbors.

4. Several of the residents are concerned about lowering home values due to the child care center nearby. In addition, having the place empty on the weekends was a concern of some residents.
5. Putting a commercial business in the middle of a residential area is a bad idea that will set a precedent for others to attempt to convert their homes to businesses.

**Motion:** Move that ANC6A oppose the application for special exception to establish a child development center at 1329 North Carolina Ave. NE as the application does not meet the requirements for a special exception for the reasons below:

1. Increase in traffic and dangerous conditions for cyclists and children being dropped off at the center
2. Insufficient on-site parking
3. Noise and other conditions not mitigated
4. Travel to main play area at Lincoln Park is unsafe
5. The property has effectively been turned into a commercial use.

Motion passed 7/0.

3. At the March 10th ANC meeting, the Commission referred discussion about the issuing of building permits for 138 12th St. NE (AppleTree) to the ED&Z committee. Some Commissioners are concerned that the Zoning Administrator issued the permits in error because the zoning regulations only allow building permits to be valid for 2 years and it has been 3 years since the building permits were originally issued.

The ANC6A ED&Z Committee invited DCRA to this meeting to discuss/explain the events surrounding the issuance of building permits for the AppleTree school. However, as there may be pending litigation, DCRA declined to attend.

From the perspective of the ED&Z Committee, it appears that there are irregularities with the permits.

**Motion:** Recommend that ANC6A proceed to appeal the revocation of the revocation (or the most recent administrative action which was reinstatement of the permit that was already revoked). Passed 8/0/1 abstention.