



AMERICAN UNIVERSITY

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CLINICAL PROGRAM

Mr. Richard Nero
Deputy Director of Operations
Office of Zoning
441 4th St. NW, Suite 200
Washington, DC 20007

June 4, 2014

Re: Mana Bilingual Child Development LLC
6524 8th St. NW
Washington, DC 20012
BZA Application No. 18781
Hearing Date: June 17, 2014

Certification of Notification to Commissioners of ANC4B of Applicant's Request to Amend Application

Dear Mr. Nero:

This office represents Mana Bilingual Child Development LLC (Applicant) in its application to the Board of Zoning Adjustment (BZA) for a special exception to increase the number of children it may serve as a child care center. On June 3, 2014, the Applicant filed a request to amend its application to include a special exception under Section 2116.

This letter is written to certify that, on June 3, 2014, I notified ANC4B Commissioners Ronald Austin (Chair, Commissioner for ANC4B06) and Fred Grant (Commissioner for ANC4B03, the Applicant's district) via e-mail (copy attached) that the Applicant had filed a Request to Amend. The e-mail notification included a copy of the notice of the Request to Amend that Applicant intends to hand-deliver to the addresses of neighbors to whom the Office of Zoning had sent notices of the June 17, 2014 hearing. I have also attached a copy of that notice.

If you have any questions, please feel free to contact me.

Yours,

Susan D. Bennett
Director, Community and Economic Development Law Clinic
202-274-4149
sbennet@wcl.american.edu

Board of Zoning Adjustment
District of Columbia
CASE NO.18781
EXHIBIT NO.27

WASHINGTON COLLEGE OF LAW

4801 MASSACHUSETTS AVENUE, NW SUITE 417 WASHINGTON, DC 20016-8184 202-274-4140 FAX: 202-274-0659

From: Susan Bennett
To: "fredgrantanc4b03@yahoo.com"; "RonaldA20@gmail.com"
Cc: "dcgovtanc4b@verizon.net"
Subject: Mana Bilingual Child Development Center - 6524 8th St. NW - Amendment to application for special exception
Date: Tuesday, June 03, 2014 5:10:00 PM
Attachments: [2014 06 02 - Amended notice BZA hearing.pdf](#)

Dear Commissioners Austin and Grant:

I am writing concerning Mana Bilingual Child Development Center, located at 6524 8th St. NW. We met at the Center, with its owner, Mrs. Cleotilde Kimmell, and again at ANC4B's meetings in March and April. My clinic students and I have been assisting Mrs. Kimmell in the BZA process. You may recall that ANC4B voted unanimously at a special meeting on April 17th to support Mana Bilingual's appeal to the Board of Zoning Adjustment to increase its capacity. We greatly appreciated your work to inform the neighbors and to make sure that everyone's questions were answered.

The hearing on Mana's application, Case No. 18781, is on June 17, 2014. I am writing to let you know that Mana has filed a request with the BZA for leave to amend its application to include a special exception for approval of two off-site garage parking spaces that two of Mrs. Kimmell's neighbors have volunteered. The spaces are located at 6520 8th Street NW and 6512 8th Street NW. Mana Bilingual already has a special exception for the use of these spaces. The BZA granted a special exception for the use of the spaces four years ago, when it granted Mrs. Kimmell's application to increase the size of her home-based daycare from 6 to 12. The BZA granted the special exception under Section 2116, the parking section of the zoning regulations, to formally allow her use of the spaces as off-site parking.

We did not originally ask for the parking exception in the application that is currently before the BZA, because the parking exception is already in effect and the facts about the parking have been the same since 2010. If Mrs. Kimmell is allowed to expand her child care center, then she will use both of the spaces that the BZA gave her permission in 2010 to use. But the Office of Planning has suggested that we ask to add the parking exception now, if only to continue the current situation. So we have asked the BZA to allow an amendment to the application, to include the parking special exception for the off-site parking. We filed the request to amend the petition today, and you can find it on the BZA's website. (I'm also happy to e-mail you a copy.)

Even though the change in the application is only technical, Mr. Nero at the Office of Zoning suggested that we make sure that as many neighbors have notice of it as possible. We will take responsibility for notifying the forty neighbors within 200 feet of the addition to the application. I've attached the letter that we plan to hand deliver to them over the next two days, based on Mr. Nero's suggestions for changing the notice that the neighbors received about the hearing. He also suggested that we take responsibility for altering the signage on the property to reflect the addition to the application. We will also take care of that tomorrow or the day after tomorrow.

We do not think that the addition of the parking exception should require review at another ANC4B hearing. The facts have not changed since you voted your approval at that hearing. The

information about the parking spaces was part of the original petition, of which you all received copies at the April 17 ANC4B hearing and on which you all voted. The amendment is purely a legal step to insure that permission for off-site parking is included with the permission to increase the size of the day care.

I encourage you to call or e-mail me if you have any questions or concerns. I hope that it will be possible for ANC4B to approve the addition of the parking exception without a meeting, as the next regularly scheduled meeting will occur after the BZA hearing. I do not know if the ANC has a process for approving amendments to applications "by notation," without an in-person vote. I would appreciate your thoughts on this issue.

Very truly yours,

Susan Bennett

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AMERICAN UNIVERSITY

W A S H I N G T O N , D C

CLINICAL PROGRAM

June 2, 2014

Re: Mana Bilingual Child Development Center, LLC
6524 8th Street, NW, Washington DC 20012
Case No. 18781 before the Board of Zoning Adjustment
Hearing Date: June 17, 2014

Notice of Request to Amend Application for Special Exception

Dear Neighbor of Mana Bilingual Child Development Center, LLC:

You have already received a notice from the Board of Zoning Adjustment about a hearing on June 17, 2014, to consider Mana Bilingual Child Development Center's application for a special exception. Mana seeks permission to increase the number of children allowed at the Center.

Please be advised that Mana Bilingual has requested that the Board of Zoning Adjustment (BZA) revise its application for a special exception. Mana Bilingual is asking the BZA to consider the use of two off-site parking spaces as part of its special exception. The revision to the application consists of the underlined material, as follows:

“Application of Mana Bilingual Child Development LLC, pursuant to 11 DCMR § 3104.1 , for a special exception for a child development center (36 Children and 9 Staff) under section 205, and for a special exception for two required parking spaces to be located off- site, under section 2116.6, in the R-1-B District at premises 6524 8th Street, N.W. (Square 2973, Lot 81).”

Please note that information about the parking spaces was included in the original application filed by Mana Bilingual with the Board of Zoning Adjustment, and was distributed to ANC 4B at its special meeting on April 17, 2014. The information is available on the BZA's website under Case No 18781.

If you have any questions, please contact:

Richard Nero, Deputy Administrator
Board of Zoning Adjustment
202-727-6311

Yours,

Susan Bennett, Attorney for Mana Bilingual Child Development Center LLC