

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Zoning Commission
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9 Public Hearing

10 Case No. 15-17 [Text Amendments to 11 DCMR (Zoning)
11 Chapters 1, 2, 5, 6, 7, and 31 - Child Development
12 Homes]
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16 6:31 p.m. to 7:41 p.m.

17 Monday, November 2, 2015
18

19 Jerrily R. Kress Memorial Hearing Room
20 441 4th Street, N.W., Suite 220 South
21 Washington, D.C. 20001
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1 Board Members:

2 MARCIE COHEN, VICE CHAIR

3 PETER MAY, Commissioner

4 ROBERT MILLER, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 MAXINE BROWN-ROBERTS

13

14 OTHER:

15 ELIZABETH GROGINSKY

16 JULIA RUIZ

17 MARRLYN MEDRANO

18 RENITA HILL

19 YAEL KIKEN

20 JULIE LUHON

21 MARILYN ESTRELLITAS

22 CYNTHIA DAVIS

23 MERCIA ARNOLD

24 JULIAN A. GONZALEZ, Spanish Interpreter

25 ERIK SEJAS-MOSCOSO, Spanish Interpreter

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

2 VICE CHAIR COHEN: Good evening, ladies and
3 gentlemen, this is a public hearing of the Zoning
4 Commission for the District of Columbia for November
5 2nd, 2015.

6 My name is Marcie Cohen. Joining me this
7 evening are Commissioners Turnbull, Miller, and May.
8 We are also joined by Office of Zoning staff, Sharon
9 Schellin, Office of Planning staff, Jennifer
10 Steingasser, and Ms. Brown-Roberts. And that's it.

11 This proceeding is being recorded by a court
12 reporter and is also webcast live. Accordingly we
13 must ask you to refrain from any disruptive noises or
14 actions in the hearing room, including the display of
15 any signs or objects.

16 Notice of today's hearing was published in
17 the D.C. Register, and copies of that announcement
18 are available to my left on the wall near the door.
19 This hearing will be conducted in accordance with the
20 provisions of 11 DCMR, Section 3021 as follows:
21 Preliminary matters, presentation by the Office of
22 Planning, reports of other government agencies if
23 any, any reports of the ANCs, organizations and
24 persons in support, organizations and persons in
25 opposition.

1 The Commission intends to adhere to the time
2 limits as strictly as possible in order to hear the
3 case in a reasonable period of time. The Commission
4 reserves the right to change the time limits for
5 presentation if necessary and notes that no time
6 shall be seated.

7 All persons appearing before the Commission
8 are to fill out two witness cards. These cards are
9 located to my left on the table near the door. Upon
10 coming forward to speak to the Commission please give
11 both cards to the reporter sitting to my right before
12 taking a seat at the table.

13 When presenting information to the Commission
14 please turn on and speak into the microphone, first
15 stating your name and home address. When you are
16 finished speaking please turn your microphone off so
17 that your microphone is no longer picking up sound or
18 background noise.

19 The staff will be available throughout the
20 hearing to discuss procedural matters. Please turn
21 off all beepers and cell phones at this time so not
22 to disrupt these proceedings. At this time the
23 Commission will consider any preliminary matters.
24 Ms. Schellin, are there any preliminary matters?

25 MS. SCHELLIN: Staff would just like to

1 advise that if there's anyone in the audience who
2 needs interpretive services we do have two
3 interpreters. Three maybe. They're in the audience.
4 They do have devices so for the Spanish speaking
5 people, if they need those services please see the
6 gentlemen at the table. And also if they want to
7 testify this evening they'll be able to interpret for
8 them. So anyone who needs those services, please see
9 the gentlemen over there.

10 VICE CHAIR COHEN: And then I asked the
11 gentlemen if we are going -- if we are speaking too
12 fast just raise your hand and we'll try to slow down
13 because some of us naturally speak fast. Especially
14 those who were formally in New York.

15 Ms. Steingasser and Ms. Brown-Roberts.

16 MS. BROWN-ROBERTS: Good evening, Madam
17 Chairman and members of the Commission. There is a
18 shortage of childcare providers within the city, and
19 that situation has existed for some time. Currently
20 at the last survey there were approximately 127 child
21 care development homes and two expanded child
22 development homes which are licensed by OSSE.

23 In addition to that there are over 20,000
24 children who would be in these facilities that need
25 the service. And so those, the existing facilities

1 can only serve approximately 25 to 26 percent of the
2 people who need the services. In addition to that
3 Ms. -- we have here tonight, Ms. Elizabeth Groginsky
4 from the Office of the State Superintendent of
5 Education and she can talk some more about the need
6 that she sees in that division.

7 Here tonight we want to try to -- the
8 language as proposed in the amendment is to
9 facilitate the expansion of these facilities. The
10 proposed amendments that currently exist fall in two
11 categories. One, the child development homes and
12 child development centers which are in the Zoning
13 Regulation currently.

14 In OSSE regulations, who does the licensing
15 of these facilities, there are three categories. The
16 child development home, the expanded child
17 development centers, and the child development
18 centers. And so there is a discrepancy between what
19 the Zoning Regulations permits and what the licensing
20 body permits.

21 In addition to that DCRA, when these
22 facilities go for a permit, are required to get a
23 home occupation permit. In the Zoning Regulations
24 child development homes are not classified as a home
25 occupation. And therefore these are some of the

1 inconsistencies that we are proposing to address in
2 the text amendment.

3 As I said, we heard from a number of entities
4 about the problems that they were having and so we
5 got together, along with DCRA, OSSE, the fire and
6 EMS, and we have been looking at each of the separate
7 regulations and then how -- we have inconsistencies
8 and how can we make them consistent and not
9 repetitive either? In addition, in order to help the
10 providers to go through the process and get the
11 correct licensing. In addition to that we wanted to
12 makes sure that they were being -- that they would be
13 monitored and that the correct codes were being
14 enforced.

15 The first amendment that was proposed is to
16 amend the child development home definition to
17 clarify that six children are permitted in the home.
18 However, within those six any children who are under
19 four that within -- that lives within that home would
20 be classified within that six. So therefore we don't
21 have a home that may have, say, four kids. And then
22 four others, or six others would be able to make 10
23 kids. So we want to make sure that we are keeping it
24 at the six.

25 So the second thing is to add a definition, a

1 new definition for the expanded child development
2 home which would allow between seven and 12 children.
3 In Section 2003 is where we would add the new -- we
4 would add a child development home as well as the
5 expanded child development home as a home occupation.
6 In that category there is defined, the maximum area
7 of the dwelling that can be used for the facility,
8 and also for homes that would have over seven -- over
9 nine children between nine and 12. Then those would
10 have to go through special exception. The special
11 exception for the higher numbers were asked by OSSE
12 to give those facilities an additional review. So
13 that's why that's called out.

14 The regulation would also allow the expanded
15 child development homes to exist in other zones, such
16 as SP, the CR, and the C zones. The proposal is not
17 inconsistent with the Comprehensive Plan which
18 recommends, and it says, new and expanded child
19 development facilities in all residential,
20 commercial, and mixed use areas in an effort to
21 provide adequate affordable child care facilities
22 throughout the District, and also to consider ways of
23 reducing any barriers that are identified provided
24 that child safety, neighborhood quality of life
25 issues can be adequately addressed.

1 And we think that within the proposal that
2 all of these criterias are met. In addition to that
3 the other regulations that would oversee these homes,
4 the recommendation of the comprehensive plan would be
5 implemented. Therefor I recommend approval of the
6 proposed text amendment and I'm available for
7 questions. Thank you.

8 VICE CHAIR COHEN: Thank you, Ms. Brown-
9 Roberts. Commissioners, who would like to start?
10 Mr. Turnbull?

11 MR. TURNBULL: Sure. Ms. Brown-Roberts, let
12 me just try to get my handle around what's permitted
13 now and what this is doing. It sounds like the
14 biggest change is going to be the expanded home.

15 MS. BROWN-ROBERTS: That's correct. Right
16 now the regulation has a category called child
17 development homes, and that allows up to six kids in
18 a home. There is also the category of child
19 development centers, which are larger facilities,
20 most times are not within a home setting.

21 MR. TURNBULL: And so I see in some of the
22 language where if one of these came before, which had
23 larger -- the ZA would automatically jump into the
24 higher category.

25 MS. BROWN-ROBERTS: That's exactly -- in two

1 experiences that I know of the applicant came in for,
2 I think either seven or eight, had seven or eight, a
3 facility for seven or eight. And so because under
4 the Zoning Regulations there was not a category for
5 that. It went to the child development center
6 category, and going to DRCA they had a problem
7 because some of the requirements that fall under a
8 child development center are not able to be met in a
9 home setting.

10 MR. TURNBULL: Okay. I guess my next
11 question then is, in order to get this you have to
12 have a special exception. So there's going to be --
13 to get to the expanded.

14 MS. BROWN-ROBERTS: No. There are two
15 categories that are expanded. One is from seven to
16 nine children.

17 MR. TURNBULL: Seven.

18 MS. BROWN-ROBERTS: And then the category
19 from nine to 12 is where they would have to come in
20 for a special exception review.

21 MR. TURNBULL: In this process, I mean, I'm
22 just trying to go back and when we were doing the
23 ZRR, a lot of concerns about additional uses going
24 into the residential neighborhoods. But I don't see
25 anything in the record so far that anybody submitted;

1 worried about increasing this particular use. Have
2 you had any feedback that --

3 MS. BROWN-ROBERTS: I have had no feedback
4 with that. We looked at it and from speaking to some
5 of the providers, no one came up with anything.
6 Someone mentioned about parking and we spoke to DDOT
7 about that. They said that with these facilities
8 they don't generate enough of a traffic that would
9 cause them to need a traffic report. So they didn't
10 think that it would affect these proposals.

11 MR. TURNBULL: How did you arrive at the
12 breakoff point? You know, seven to nine, 10 to 12?
13 How was that --

14 MS. BROWN-ROBERTS: They're consistent with
15 the breakouts that OSSE has --

16 MR. TURNBULL: Okay.

17 MS. BROWN-ROBERTS: -- in their categories.

18 MS. STEINGASSER: I'm just going to summarize
19 real quick. So there's a disconnect between the
20 licensing --

21 MR. TURNBULL: Right.

22 MS. STEINGASSER: -- that's required and the
23 zoning regs.

24 MR. TURNBULL: The zoning regs, right.

25 MS. STEINGASSER: And this provides two

1 intermediate categories; one of which expands the
2 matter of right up to nine, and then nine to 12 is an
3 alternative for special exception. So it creates two
4 new intermediate, both of which will still require
5 licensing.

6 MR. TURNBULL: Okay. Yeah, I guess one
7 concern was just any kind of impact on the rest of
8 the neighborhood as far as --

9 MS. STEINGASSER: We haven't heard any
10 opposition from any of the neighborhoods. No one has
11 contacted us, nor have we heard of any concern about
12 this since set down through the ZRR comments.

13 MR. TURNBULL: Okay. All right. Thank you.

14 VICE CHAIR COHEN: Commissioner Miller, would
15 you like to go next?

16 MR. TURNBULL: I have no questions at this
17 time, Madam Chair.

18 VICE CHAIR COHEN: Commissioner May.

19 MR. MAY: So when you say you've heard
20 nothing at all, I assume you're including you haven't
21 heard anything from any ANCs. We certainly didn't
22 hear anything from any ANCs.

23 MS. BROWN-ROBERTS: Right. That's exactly.
24 That's right.

25 MR. MAY: Okay. So are we sure everybody is

1 aware of it because it seems like there might be some
2 parts of the city where there are people who are
3 concerned about this and I'm just surprised we
4 haven't heard anything from anybody.

5 MS. STEINGASSER: You're about to hear a lot
6 of support.

7 MR. MAY: No, I know about that. I heard
8 lots and lots of support and that no doubt the need
9 is there and I understand why there's a lot of
10 support.

11 MS. STEINGASSER: I'd look to the Office of
12 Zoning but they do their official notification to all
13 the ANCs, councilmen --

14 MR. MAY: Yeah. Okay.

15 MS. STEINGASSER: -- council members, et
16 cetera.

17 MR. MAY: All right. So I think I understand
18 correctly. You're talking about in residential zones
19 only, up to nine as a matter of right.

20 MS. BROWN-ROBERTS: That's correct.

21 MR. MAY: And then up to 12 --

22 [Interruption by Emergency Evacuation
23 system.]

24 MR. MAY: Okay. Sorry. So special exception
25 up to 12 in our districts.

1 MS. BROWN-ROBERTS: Yes. Yes.

2 MR. MAY: And then roughly speaking anything
3 that's in the C -- commercial zones from C-1 to C-4
4 or C-5 it's matter of right up to 12.

5 MS. BROWN-ROBERTS: Yes. That's correct.

6 MR. MAY: Okay. So one thing that sort of
7 puzzled me is there's a child development home and
8 then there's an expanded child development home and
9 they're both permitted in an R district with
10 different numbers associated with them. Is that the
11 only distinction, or is it what coincides with the
12 definitions by the licensing agency?

13 MS. BROWN-ROBERTS: Yes, it coincides with
14 the definition of licensing agencies. They expanded
15 because there are additional children. It dictates
16 additional space within the house and I think -- and
17 then it also dictates how many persons can --

18 [Interruption by the Emergency Evacuation
19 System.]

20 MS. BROWN-ROBERTS: Yeah, and the number of
21 non-resident employees is also increased because of
22 the increase in number in children.

23 MR. MAY: Okay. But none of those -- I mean,
24 there isn't any other zoning difference --

25 MS. BROWN-ROBERTS: No.

1 MR. MAY: -- in terms of any of our
2 requirements. Doesn't trigger changes in parking or
3 anything else, right?

4 MS. BROWN-ROBERTS: No. No.

5 MR. MAY: Okay. Okay. So I just had one
6 other comment, which is that in the modified text
7 that you provided in your report there were
8 references in the C zones and all the descriptions to
9 this occurring as an accessory building as opposed to
10 an accessory use. Is that an error in the existing
11 text?

12 MS. BROWN-ROBERTS: I don't remember.

13 MR. MAY: I can point you to a page in your
14 report.

15 MS. BROWN-ROBERTS: Yes, if you can?

16 MR. TURNBULL: Nine, the bottom.

17 MR. MAY: Yeah. Yeah, 702.2, 722.2.

18 MS. BROWN-ROBERTS: Yes, it should be
19 accessory uses.

20 MR. MAY: Right. It says accessory building
21 and use, incidentally use is permitted.

22 MS. BROWN-ROBERTS: Yes. Yes.

23 MR. MAY: So, I mean, and that occurs -- that
24 occurs through all of the C zones I think.

25 MS. BROWN-ROBERTS: Yes, it does.

1 MR. MAY: But not in the C-5, interestingly
2 enough. And I assume that's -- the way it's marked
3 it looks like that's just something from the existing
4 text.

5 MS. BROWN-ROBERTS: It is. It is. Yes.

6 MR. MAY: Yeah, so it might be something we
7 want to fix while we're at it.

8 MS. BROWN-ROBERTS: Okay.

9 MR. MAY: That's all.

10 VICE CHAIR COHEN: Thank you. Mr. Miller,
11 you said you did have a question.

12 MR. MILLER: Yes. Thank you, Madam Chair.
13 Just to follow up on Commissioner May and Turnbull's
14 question.

15 I'm very supportive of this proposal and see
16 the need both from the data that Office of Planning
17 and OSSE have provided and all the testimony that
18 we've received and comments we've received so far,
19 and just anecdotally from people who I know who have
20 children of that age who are looking for that kind of
21 facility to take care of their children.

22 But I think that I do recall some concern
23 being expressed in all of the -- in a few of the
24 thousands of pages of ZRR testimony, that there was
25 some concern expressed about non-residential uses in

1 residential neighborhoods, and I think there may have
2 been specific reference to the existing child care.
3 But I wonder if you can -- if somebody can cull
4 through all that and somehow -- if there's a way you
5 can, with a key word, child development home. If
6 there's a way you can --

7 MS. STEINGASSER: We can do that.

8 MR. MILLER: -- pull that out.

9 MS. STEINGASSER: There was a lot of concern
10 about the home occupations.

11 MR. MILLER: Right.

12 MS. STEINGASSER: And most of those -- most
13 of the home occupation language is directly from the
14 existing code. But we'd do a word search and see
15 whether this has come up since --

16 MR. MILLER: Right. And if there is anything
17 there I think it might be useful to have some
18 outreach to those who -- if there were community
19 organizations. Or education, not that I would be
20 convinced by, or persuaded by, but I think it would
21 just be useful to know.

22 MS. STEINGASSER: Okay.

23 MR. MILLER: And for them to make sure they
24 know of what's -- of the proposal.

25 MS. STEINGASSER: Okay.

1 MR. MILLER: That's all. Thank you.

2 VICE CHAIR COHEN: Thank you, Commissioner
3 Miller. My comments are, I do share your belief in
4 the not only need, we must retain families in the
5 city and one of the biggest issues is finding
6 affordable child care. And in-home care is often the
7 most affordable for many working families. So it
8 really goes beyond just having a childcare center.
9 It's also a matter of health for the family to remain
10 in the city because it puts stress on the family if
11 you don't have convenient childcare.

12 And I am concerned about what other people
13 think, but it's a balance of needs and we're seeing
14 more families with young children come into the city,
15 and I think that's a really great thing. And since
16 there is sort of a square footage need, I believe,
17 for this, it assumes that the home is large enough to
18 accommodate more children. So I was comfortable to
19 see that square footage.

20 In addition there are families that happen to
21 have children and their friend's children over.
22 Maybe not on a daily basis, but on a rather frequent
23 basis if they can accommodate their children's
24 friends. So I do believe that there's going to be
25 some pushback. There usually is when it comes to

1 noise. But I think it can be managed and that's the
2 important thing is that I think there are ways, when
3 they issue a license, to inform the licensor -- is it
4 licensor or licensee?

5 MS. BROWN-ROBERTS: Licensee.

6 VICE CHAIR COHEN: Thank you. Licensee, what
7 you know, being a good neighbor is. Especially if
8 they have a large yard, they may want some play
9 equipment and you know, talk to the neighbors about
10 what's more convenient in time. There are ways of, I
11 think, being accommodating.

12 I have a couple of little questions, though.
13 It's on page 4 of your review. And it has to do with
14 C. And I'm sure this is something that is in my
15 mind, just a detail. You're saying that the stock in
16 trade -- no stock in trade is kept on the premises.
17 So stock in trade to me would be including crayons
18 and scissors, and you know, arts and crafts stuff. I
19 mean, that's not what this means is it?

20 MS. BROWN-ROBERTS: No. This section, if you
21 see 2002.5, and it says elderly daycare, because
22 there was some -- what do I say? There was some
23 language that was put together. We made some changes
24 and moved some of the text around, so we had to put
25 this section back that related specifically to

1 elderly care. So that's what that is. It's not
2 directly talking about the childcare facilities.

3 MR. MAY: But I mean, stock in trade, that
4 really has to do with the purpose of the home
5 occupation, does it not? I mean, it's more of a term
6 that applies to some goods that are related to the
7 home occupation.

8 MS. BROWN-ROBERTS: Yes. Yes.

9 VICE CHAIR COHEN: Thank you for the
10 clarification. And then the mechanical equipment
11 issue, again, for elderly, you know, a lot of elderly
12 people walk around with their I guess filters and you
13 know, air containers. And some children do too. I
14 mean, you're really not precluding that are you?

15 MS. BROWN-ROBERTS: Oh, no, no. And this is
16 text that is existing in the Zoning Regulations. We
17 just moved it from one place to here.

18 VICE CHAIR COHEN: Yeah, but that may not be
19 the -- you know, we may need to -- as long as it's in
20 front of us to evaluate that we're not precluding --

21 MS. BROWN-ROBERTS: Okay.

22 VICE CHAIR COHEN: -- these important things.

23 MS. BROWN-ROBERTS: Okay.

24 VICE CHAIR COHEN: Just, that's the only
25 reaction that I had because I was concerned about

1 disabled children and, you know, seniors that needed
2 their equipment. Thank you.

3 [Interruption by the Emergency Evacuation
4 System.]

5 MS. BROWN-ROBERTS: Are you recommending that
6 this be a mended or, I'm not sure of --

7 VICE CHAIR COHEN: I would just have maybe
8 the attorneys clarify that --

9 MS. BROWN-ROBERTS: Okay.

10 VICE CHAIR COHEN: -- this does not preclude.

11 MS. BROWN-ROBERTS: Okay.

12 VICE CHAIR COHEN: Okay? Because it's an ADA
13 issue, probably. And then the other question is, I
14 think in the licensing are there like minimum number
15 of bathrooms that need to be in a --

16 MS. BROWN-ROBERTS: Yes.

17 VICE CHAIR COHEN: I would think.

18 MS. BROWN-ROBERTS: I think so, yes. Yes,
19 there's a -- yes.

20 VICE CHAIR COHEN: And lastly when we talk
21 about caregivers, we don't say that they should be
22 licensed and bonded. That's a licensing.

23 MS. BROWN-ROBERTS: That's a licensing --

24 VICE CHAIR COHEN: Okay.

25 MS. BROWN-ROBERTS: -- recognition.

1 VICE CHAIR COHEN: Just wanted to confirm
2 that too. So I want to thank you for answering these
3 questions --

4 MS. BROWN-ROBERTS: You're welcome. Thank
5 you.

6 VICE CHAIR COHEN: -- from all of us. Any
7 more questions from up here?

8 All right. Then I'm going to go to the list
9 of witnesses and I'm going to call your names and
10 take a seat in the front and then we'll just go
11 through this.

12 Elizabeth, and I'm really bad with
13 pronunciation. I apologize up front. Groginsky,
14 Julia Ruiz, Marilyn Medrano, Renita G. Simril-Hill,
15 Yeal Kiken, and Julie Luhon.

16 I think there's enough room for all of you,
17 and everybody gets three minutes. Is that correct?

18 UNIDENTIFIED SPEAKER: I'll just do it.

19 VICE CHAIR COHEN: You'll just do it? Thank
20 you very much. Is there anybody else that is in
21 support of this project that wants to testify?
22 Anybody else in support?

23 Okay. Seeing none, we'll move on and then I
24 will ask for anybody in opposition. We'll start with
25 your right, my left.

1 MS. LUHON: My name is Julie Luhon. I'm in
2 support of the expanded child development home for up
3 to 12 children. I opened my own childcare
4 development home in 2007, right around the time the
5 amendment was written to have the expanded home. But
6 after three years in business and finding the
7 current, or the existing rules still in place and no
8 kind of chance of being able to do an expanded home,
9 I closed. I was fortunate enough to open a center,
10 but many people aren't.

11 In April of 2015 I reopened my home and I
12 have someone else directing the center, and I am able
13 to -- it was really due to the changes permitting six
14 children under the age of two, as making it realistic
15 for me to run a business.

16 I decided to open a child development home
17 when my third daughter was born in 2006. I didn't
18 like the thought of my child being in a large daycare
19 that felt institutional and like a school, so I
20 opened a home to provide care in the type of
21 environment I would want my own young children
22 growing up. I found many other parents shared my
23 views and were happy to find a home setting.

24 There is a high demand for childcare in my
25 neighborhood. I receive calls daily from parents

1 needing and asking for care, and put on my wait list.
2 I was able to fill the spaces from my home in a
3 matter of weeks. There are two large condominiums
4 being built in a two block radius of my house which
5 will increase the demand for childcare, as well as
6 more plans and condominium development on Columbia
7 Road.

8 The amendment is an important step because it
9 will fulfill some of the demand of quality care in
10 the neighborhood. I know many parents who are
11 worried when they learn they should have put their
12 child on a waitlist before they even conceive. I
13 have many children who have been on the waitlist for
14 years. Two of my current families live on the same
15 block. The improvement of the quality of life by
16 having childcare right in the neighborhood is
17 enormous. I have found that parents value the sense
18 of community that their child attends a childcare
19 setting in their own neighborhood in a home.

20 My hours of operation are from 8:00 a.m. to
21 6:00 p.m. Most children are dropped off between 8:00
22 and 9:30 a.m. and picked up between 5:00 and 6:00. I
23 find that most families are able to walk and are able
24 to store their strollers under the porch for
25 convenience so there's not an increase in car

1 traffic.

2 I value and follow OSSE's regulations and I
3 agree that regulations are crucial for creating and
4 maintaining a safe and ideal setting for children. I
5 don't think the extended home will have a negative
6 impact in communities. The children already live
7 there, providing more convenient care in
8 neighborhoods will alleviate some of the commuting
9 parents are currently required to do when they need
10 to go outside of their neighborhood to drop off and
11 pick up. From my experience of having a staff of
12 nine at Lanier Lullabies, a center I directed, there
13 is not an issue with employees driving and parking.
14 In the past eight years I have only had one staff
15 member who has driven. The others take public
16 transportation or walk.

17 The child development homes offer a unique
18 option for parents.

19 [Timer sounded.]

20 MS. LUHON: Is that it?

21 VICE CHAIR COHEN: You can go on.

22 MS. LUHON: Okay. It's care in a provider's
23 home in their neighborhood in a small, warm, and
24 welcoming environment. If we have the option for
25 expanding our program for up to 12 children we'll be

1 able to offer this option to more children and
2 families in D.C.

3 VICE CHAIR COHEN: Thank you. Next.

4 MS. HILL: Good evening. My name is Renita
5 Hill and of course I'm here to support the amendment.
6 My childcare development was opened 10 years ago. I
7 am a resident of Ward 8. Currently I have five
8 children in my program and I have one on the way. I
9 have a waiting list with over 25 requesting parents,
10 women and men, and when I hit that limit I do not add
11 any more until the list goes down. I constantly try
12 to network with other daycares in my area, but they
13 too are full due to our limitations.

14 I have parents begging to be bumped to the
15 top of the list, even offering to pay me. And I
16 said, I can't do that. And I had one couple went as
17 far as to go to a fertility doctor to ensure that
18 they got pregnant before their current child left my
19 facility. This child has my last slot when born in
20 February.

21 I currently have parents that had their
22 oldest child attend my facility, and their middle
23 child is currently enrolled. Now they have a newborn
24 that will have to attend a different facility, which
25 means dropping off three children in different

1 locations. And who wants that headache with District
2 traffic problems?

3 I feel that it is important that we increase
4 the available slots within child development homes
5 immediately. This has been a demanding need in the
6 District and we seem to be the only ones behind time.
7 I also feel that a child development home should be
8 able to hire a person that meets all guidelines, but
9 not forced to have a CDA Child Development Associate
10 credentials, as long as the owner is CDA certified.

11 The cost to pay someone with a CDA will bring
12 a hardship on a small facility. Please consider
13 these changes for child development homes. Consider
14 the changes for the children and parents in need.
15 Thank you.

16 VICE CHAIR COHEN: Thank you. Next.

17 MS. GROGINSKY: Good evening, Commissioners.
18 My name is Elizabeth Groginsky, and I am the
19 Assistant Superintendent for the Division of Early
20 Learning in the Office of the State Superintendent of
21 Education, OSSE.

22 Thank you for the opportunity to provide
23 testimony regarding the Office of Planning's request
24 for various text amendments adding child development
25 home expanded to the District Zoning Regulations, and

1 for your attention to this important topic. I'd also
2 like to thank the organizations and individuals who
3 are providing testimony here today, and who we work
4 with on a daily basis to provide district families
5 access to safe, nurturing, and supportive childcare,
6 and early learning opportunities for our District's
7 youngest residents.

8 On April 8th, 2014 the Council for the
9 District of Columbia enacted the Child Development
10 Homes License Amendment Act of 2013 to expand the
11 availability of home childcare for children under two
12 years of age, recognizing the shortages of space for
13 children under the age of two in licensed child
14 development homes.

15 Since then representatives from OSSE, the
16 Office of Planning, the Department of Consumer and
17 Regulatory Affairs, and fire and emergency medical
18 services have served on an interagency working group
19 to review all regulations pertaining to child
20 development homes with the hope of aligning the
21 various District regulations in a manner that
22 addresses the barriers raised by numerous providers,
23 and ensures the District is able to provide more
24 childcare slots safely.

25 Accordingly it was determined that amendments

1 to the District of Columbia residential code and
2 District of Columbia fire code were required to
3 ensure the fire safety of home childcare, including
4 child development homes and expanded child
5 development homes. The final amendment in this
6 streamlining process is the revision of the Zoning
7 Regulations to authorize expanded child development
8 homes as a home occupation.

9 Title 29, Chapter 3 of the District of
10 Columbia Municipal Regulations, the child development
11 facilities regulations which governs and issues
12 licenses for child care, authorizes three categories
13 of child care; child development home, expanded child
14 development home, and child development centers.
15 Child development homes and expanded child
16 development homes are operated in private homes
17 occupied by the operator of the facility where as
18 child development centers are located in a facility
19 that is not the residence of the operator.

20 DDMR 29, Chapter 3, provides that a child
21 development home is allowed to care for up to six
22 children while an expanded child development home is
23 allowed more than six children and up to a maximum of
24 12.

25 The current Zoning Regulations authorizes two

1 categories of child care, a child development home
2 for up to six children, and child development centers
3 for over six children. However, the Zoning
4 Regulations do not identify expanded child
5 development home as a use and accordingly homes with
6 more than six children and up to a maximum of 12 have
7 been defined as a child development center, which as
8 we heard earlier, subjects the home to different
9 building and fire code requirements that are usually
10 requirements for larger child development centers.

11 The lack of the definition of expanded child
12 development home as a use has discouraged providers
13 from either creating or expanding their home services
14 due to added cost, burden, and time in obtaining a
15 permit. Therefore the proposed amendments in the
16 Zoning Regulations before the Commission today will
17 align the definition of an expanded child development
18 home to DCMR Title 29, Chapter 3. Further we have
19 proposed the following additional amendments,
20 classifying a child development home and an expanded
21 child development home as a home occupation to align
22 with DCRA's requirement of child development home
23 operators to obtain a home occupation permit,
24 allowing a child development home to have two non-
25 resident employees and an expanded child development

1 home to have up to three non-resident employees,
2 similar to the provision for physicians and dentist
3 to hire non-resident assistants and ensure
4 consistency with DCMR 29 Chapter 3, which requires
5 expanded child development home to have at least two
6 caregivers.

7 We also -- an additional amendment is
8 limiting the maximum number of children receiving
9 custodial care under the age of two in an expanded
10 child development home to six children, requiring a
11 special exception review for an expanded child
12 development home with 10 to 12 children, and
13 clarifying the use of basements for home occupations
14 are allowed.

15 The proposed amendments will potentially
16 increase the number of available slots in licensed
17 child development homes and expanded child
18 development homes, and therefore address the concerns
19 raised by many parents that the preferred space to
20 serve them are child development homes, and the
21 concerns we've heard raised by operators regarding
22 the conflict and duplication of regulations and the
23 burdensome process to obtain a license.

24 As mentioned earlier the District currently
25 has 127 child development homes and only two expanded

1 child development homes licensed by OSSE. A 2012
2 Risk and Reach report identified approximately 20,284
3 children under the age of three living in the
4 District and only enough licensed slots on both
5 centers and homes for 5,337 or 26 percent of these
6 children.

7 The proposed amendments would therefore offer
8 the opportunity for additional slots in licensed
9 expanded child development homes, an option many
10 families prefer for their youngest learners. OSSE is
11 fully committed to working with our interagency
12 partners to increase the number of licensed childcare
13 slots in the District of Columbia, while ensuring
14 that all child development facilities meet the
15 highest standards for health and safety. Action on
16 the proposed zoning amendment will help remove
17 current barriers in our home provider community and
18 increase available child care for families in the
19 District.

20 Thank you for providing OSSE with the
21 opportunity to testify. I'm happy to answer any
22 questions.

23 VICE CHAIR COHEN: Thank you. Next.

24 MS RUIZ: Hi. Good evening. Thank you for
25 let me be here and testify. And my name is Julia

1 Ruiz. I am Vice President of the Spanish Childcare
2 Providers Association of Washington, D.C. Also, as a
3 childcare provider with all certifications required
4 by OSSE regulations, my home daycare is located in
5 Ward 1, and I am operating for three years. Also I
6 have 14 years working in this field. By this letter
7 or testimony, I affirm my support for changed text
8 that enables expand child development home to 12
9 children, infant and toddlers.

10 Currently my license allow me to serve only
11 six children for infant and two daughters. According
12 to my own experience and all the home daycares in
13 D.C., we have a high demand of many families who are
14 desperately searching for one spot available for
15 their babies. Practically they are begging for
16 space. When the mother have to return to work my
17 waiting list is very long and I have babies on my
18 waiting list, babies who didn't born yet.

19 And we are confident that this amendment will
20 be very beneficial for many reasons explained below.
21 One, considering that home daycares are the first
22 link in early education it is important to create new
23 space qualified. It is a positive response to high
24 demand of families in Washington, D.C. They are part
25 of the long -- where they are part of the waiting

1 list. Childcare service in the home office, another
2 option to parents that their children are cared for
3 in their neighborhood. Consequently less stress for
4 the baby and families. Especially in inclement
5 weather because all my babies used to live around my
6 house. They don't drive. Just they walk. And I
7 don't have traffic problem for that. I don't need
8 parkings because they live around the corner, next
9 door, on my block. I have the babies.

10 Another important factor is, it's a small
11 business, can increase our budget and we would have
12 more opportunity to contribute to the economic
13 development of our city, creating new job
14 opportunities with better salaries.

15 (Indiscernible)**43:19 to the qualified personnel
16 required according OSSE regulations, like a CDA.
17 They have a high school diploma and many other
18 certifications, what they need. And in order to hire
19 that personnel we need to be able to pay
20 (indiscernible)**43:41 salaries, correct?

21 And with the hope we'll soon
22 (indiscernible)**43:47 the (indiscernible)**43:48 for
23 the good of our community. I want to say thank you
24 again but hopefully we will have a very good
25 (indiscernible)**44:01 about this. Thank you so

1 much.

2 VICE CHAIR COHEN: And thank you. Next.

3 MS. MEDRANO: Good evening. I am Marilyn
4 Medrano. I'm a resident of work force since 2003 and
5 I'm a childcare provider since 2008. Today I'm here
6 on representation of Estrellitas Child Development
7 Home. First of all I want to thanks for given
8 opportunity to testify and also the possibility to
9 give us the opportunity to extend the home capacity.

10 As I mentioned, since 2008 I and my family
11 have been operating a home daycare. As the time pass
12 I receive higher demand on my neighborhood. The
13 neighborhood changed where I live so I have new
14 families having babies. So with a couple month my
15 capacity was almost full. For this reason, in 2008,
16 on December 2008, I apply for a home extended and I
17 went through the whole process. My ANC approvment,
18 my neighborhood, I went -- I came here to
19 (indiscernible)**45:14 and they approve me and
20 everything. So I've been on compliance with
21 everything until I get to DCRA. And that, my case
22 stay there.

23 For this reason I start looking for another
24 place to do an extension around my neighborhood and I
25 was very fortunate to find a commercial building

1 within four blocks away from where is my home
2 daycare.

3 We opened on November 2013. Within two month
4 we got almost full capacity of 85 percent. The
5 capacity for the center, it was 38, so by January we
6 were like 27 kids, 28 kids. And for this reason I
7 have to consider reopen home daycare in 2014, in
8 January, and we have been operating with siblings
9 now. So for this reason I'm asking to have a support
10 for this extension because now we have siblings also
11 that are at the center and they need care for.

12 So at this moment we have six infants in our
13 home daycare. But if this increase, we have 16
14 siblings for January that need space for. So at
15 least we can help these families to be together.

16 If this number change in the capacity for 12
17 children it will really help the families that I
18 current have on my program to be together. With the
19 four blocks they're able to drop one child first and
20 then go and drop the second child.

21 And thank you so much for have this -- in
22 consideration of this change. Thank you.

23 VICE CHAIR COHEN: Thank you.

24 MS. KIKEN: Hi. My names is Yael Kiken and I
25 work at Mary's Center for Maternal and Child Care. I

1 work in our child care licensing program and I'm here
2 speaking in support of this text amendment. Our
3 programs worked for the past 13 years as a culturally
4 competent approach to expanding available child
5 development centers and child development homes in
6 the District. And so we currently give technical
7 assistance to over 50 child development home
8 providers in every ward of the city.

9 We support this text amendment for many
10 reasons. First of all there is, as you've heard, a
11 high need for infant and toddler care. I'm just
12 going to add a little bit to that chorus. We know
13 about this urgent need throughout D.C. According to
14 D.C. Action for Children, although D.C. provides
15 universal pre-K for three and four year olds, access
16 to early learning opportunities and child care for
17 infants and toddlers remains a substantial obstacle
18 for our city. Currently there are approximately
19 26,000 children under the age of three in D.C.
20 However, according to the most recent data there are
21 a little over 6,500 slots available for infants and
22 toddlers.

23 This means that there are not enough slots
24 for 75 percent of the need for zero to three year
25 olds. And we know that care and education during a

1 child's early years are crucial since the first years
2 of a child's life are more formative than any other
3 age, creating either a sturdy or fragile foundation.
4 Seventy-five percent of brain growth and 85 percent
5 of intellectual, personality, and social skills
6 develop before the age of five. To make the most of
7 these early years children need consistent and
8 nurturing care, safe and stimulating environments,
9 nutritious food, and attention to their physical
10 needs, and opportunities to engage in positive
11 interactions with adults and other children.

12 Expanding child development homes' capacity
13 to care for infants and toddlers will help D.C. move
14 closer to providing the care needed for our families
15 by creating more infant and toddler slots in existing
16 child development facilities.

17 Now to speak to the specific benefits of
18 child development home care, child development homes
19 are an important piece of the childcare landscape in
20 D.C. They offer childcare options in residential
21 communities and their status as the primary residence
22 of the provider facilitates a warm, comforting, home-
23 like environment, which promotes a smooth transition
24 for infants entering care for the first time. Each
25 child enrolling in a child development home can be

1 assured a primary provider as well as continuity of
2 care, meaning that from the time the child enrolls
3 until they depart from the home they will be under
4 the care of the same provider. These components
5 ensure the secure attachment and bonding that is
6 essential to quality infant and toddler care.

7 By expanding the number of children the child
8 development home providers can enroll in their
9 programs it will allow families to have the option of
10 enrolling their children in child development homes.
11 It will also increase the probability that parents
12 can put their children in the same childcare
13 facility. We also support allowing expanded child
14 development homes because it will promote the
15 financial viability of early childhood educators who
16 run their own businesses. Expanding will allow
17 providers, those who have the space and staff
18 capacity, to increase their revenue, helping them
19 become more financially stable and use their profits
20 to hire additional staff, which will create more jobs
21 and acquire additional training or materials to
22 ensure that they are incorporating best practices and
23 child development.

24 Additionally, increased revenue will make it
25 more financially possible for home providers to

1 participate in the childcare subsidy program. Many
2 currently do not participate in the subsidy program
3 because with the reimbursement rates so low and since
4 their programs are currently so small with six or
5 fewer children, they are unable to create a workable
6 balance between subsidy payment and private payment.

7 For all of these reasons I am in strong
8 support of this text amendment. Thank you.

9 VICE CHAIR COHEN: And thank you. Please
10 remain seated because some of the Commissioners may
11 have questions of you. So I will ask, does anybody
12 have any questions? Commissioner Turnbull?

13 MR. TURNBULL: Thank you, Madam Chair. I
14 just had a question for Ms. Groginsky.

15 We talk about two to three extra non-resident
16 staffers now being employed. But Ms. Hill had a
17 question about that a CDA should be able to hire a
18 person that meets all the guidelines but not forced
19 to have a CDA child development associate
20 credentials. How does that play in? Is that, as
21 long as the owner is CDA certified the staffers don't
22 have to be? Is that --

23 MS. GROGINSKY: Actually, in what I
24 referenced earlier in my testimony, the Child
25 Development Homes License Amendment Act of 2013, that

1 was passed by the Council on April 8th, 2014 --

2 MR. TURNBULL: Okay.

3 MS. GROGINSKY: -- required them to either
4 have a CDA or within six months be enrolled in a CDA
5 program if they were serving more than two children
6 under the age of two in a home.

7 MR. TURNBULL: Oh, okay. So they would have
8 to have to credentials.

9 MS. GROGINSKY: If that condition was there;
10 if there were more than two children under the age of
11 two.

12 MR. TURNBULL: Under the age of two. So if
13 they're over two, wouldn't need that then?

14 MS. GROGINSKY: The assistant would not need
15 an enhanced credential.

16 MR. TURNBULL: Okay.

17 MS. GROGINSKY: Only if there were more than
18 two, under two.

19 MR. TURNBULL: Under two.

20 MS. GROGINSKY: Yes.

21 MR. TURNBULL: Okay. Thank you.

22 MS. GROGINSKY: Uh-huh.

23 VICE CHAIR COHEN: Commissioner Miller?

24 MR. MILLER: Thank you, Madam Chair. I thank
25 each of you for your testimony tonight and for what

1 you do; the important work you do to provide child
2 care to infants and toddlers in the city, and for
3 your work, Ms. Groginsky, in trying to expand the
4 provision of these services in our city.

5 Ms. Kiken, did we -- we have your e-mail
6 dated October 14th, which is Exhibit 5.

7 MS. KIKEN: Yeah.

8 MR. MILLER: But did you -- I don't --

9 MS. KIKEN: Yeah, I have copies of the
10 testimony.

11 MR. MILLER: Yeah. So if you could submit,
12 after --

13 MS. KIKEN: Sure.

14 MR. MILLER: -- after.

15 MS. KIKEN: Yes.

16 MR. MILLER: To Ms. Schellin, your testimony,
17 because it was very good testimony.

18 MS. KIKEN: Thank you.

19 MR. MILLER: You referenced a number that was
20 a little higher than --

21 MS. KIKEN: Uh-huh.

22 MR. MILLER: -- Ms. Groginsky's number, the
23 6,500 slots, I think, rather than the 5,300. I think
24 you, Ms. Groginsky, were referring to the 2012
25 report. What's --

1 MS. KIKEN: This was D.C. Action for
2 Children, and I think the status from 2014.

3 MR. MILLER: Okay. So and the number of
4 children is the same, or is it higher?

5 MS. KIKEN: It's higher.

6 MR. MILLER: I would think so.

7 MS. KIKEN: So it's the same percentages.

8 MR. MILLER: Twenty-six percent?

9 MS. KIKEN: More facilities and more
10 children. Yeah, and that makes sense for the past
11 two years.

12 MR. MILLER: Right. And, Ms. Groginsky, do
13 you have any sense of if once this becomes -- if this
14 becomes -- the zoning process -- if the zoning
15 proposal becomes reality, which we hope it will,
16 soon, do you have any sense of how many more expanded
17 child development homes there will be, beyond the two
18 that currently exist? Do you have any sense of in
19 the first year or on an annual basis, a --

20 MS. GROGINSKY: I don't. I think anecdotally
21 what I've heard from the provider community that, you
22 know, we meet with regularly, that this is a pretty
23 important issue. Again, I think as Commissioner
24 Cohen raised the square footage are still issues.
25 The facility pieces have to be looked at. So but I

1 think there will be a number and I think some of the
2 testimony you heard here today is exactly right in
3 terms of meeting the needs of families and, you know,
4 having them neighborhood based. So it's something we
5 could look into and get back to you. I don't know
6 how to --

7 MR. MILLER: No, I --

8 MS. GROGINSKY: Okay.

9 MR. MILLER: I just was curious if --

10 MS. GROGINSKY: Yeah.

11 MR. MILLER: -- you had some kind of estimate
12 based on all the analysis that you had done so far.

13 MS. GROGINSKY: Uh-huh.

14 MR. MILLER: Will any of you be proceeding to
15 open an expanded child development home if this goes
16 through? I see a lot of nods. Okay. Thank you very
17 much.

18 VICE CHAIR COHEN: Commissioner May, any
19 questions? All right. I have a couple of questions.

20 The number is quite outrageous, especially
21 when you provide a percentage of those who are served
22 or who -- now the people, the number, does that
23 include the universe of young children, like some may
24 have in-home care on an individual basis, or is that
25 you've actually culled the numbers and looked at them

1 carefully and these are people who are desperate for
2 child care? Anybody can answer that question.

3 MS. GROGINSKY: Our number, the Risk at Reach
4 is looking purely at numbers; numbers of children
5 under the age of three, and then the available, what
6 we call slots, for children birth to three. So you
7 would, you know, given that most families in D.C. are
8 working, two parents working, that you know, you
9 would have -- so it is just pure -- how many slots
10 for infants and toddlers and how many infants and
11 toddlers we have in the district.

12 VICE CHAIR COHEN: And it's not broken down
13 economically at all, that number?

14 MS. GROGINSKY: No.

15 VICE CHAIR COHEN: Okay. I was just curious
16 because again, higher income families will sacrifice,
17 you know, but then lower income families just trying
18 to, you know, live paycheck to paycheck. So I was
19 curious about that.

20 Ms. Groginsky, question. This is probably
21 dealing with possibly larger space, but I'm not quite
22 sure. Have you ever met with the D.C. Housing
23 Authority about the needs of families in very low
24 income families and what you can partner with DCHA
25 possibly in providing opportunities for existing

1 residents to open up?

2 MS. GROGINSKY: Oh, yes. I have not had that
3 conversation with them about that, but you're
4 thinking in housing --

5 VICE CHAIR COHEN: And just in general
6 because --

7 MS. GROGINSKY: -- (indiscernible)**57:33?

8 VICE CHAIR COHEN: Yes. Just in general
9 because the need is so great. And you know, the way
10 I envisioned childcare, it's an economic development
11 opportunity because you know, women are a large part
12 of the workforce.

13 MS. GROGINSKY: Absolutely.

14 VICE CHAIR COHEN: And, you know, they would
15 miss work if they don't have this, or not be able to
16 work. So, okay.

17 MS. GROGINSKY: Thank you.

18 VICE CHAIR COHEN: Any other questions while
19 we have our -- thank you very much for your testimony
20 and I'm going to ask, anybody else in support and
21 they wish to testify?

22 I want to thank you. You could all --
23 anybody in the audience in opposition? Anybody in
24 opposition?

25 MS RUIZ: Previously I would like to remark

1 about the Paddington families. They already send a
2 letter supporting these amendments, correct?

3 VICE CHAIR COHEN: Yes, there were about --

4 MS RUIZ: Yes.

5 VICE CHAIR COHEN: -- 24, which there's some
6 overlap with the people who testified.

7 MS RUIZ: Okay. Okay. Thanks.

8 VICE CHAIR COHEN: Twenty-four families --

9 MS RUIZ: Oh, yes.

10 VICE CHAIR COHEN: -- wrote letters in
11 support in our record.

12 MS RUIZ: Part of that families are trying to
13 come to my --

14 VICE CHAIR COHEN: Yes.

15 MS RUIZ: -- facility. Thank you.

16 VICE CHAIR COHEN: Thank you. Okay. I don't
17 see anybody else who wishes to come up and testify.
18 Oh, there is somebody. Please come up now.

19 All right. You have to be on the record so
20 there's a green, you know, a push button and it will
21 put a green light up there. And you can give me your
22 name and address.

23 MS. DAVIS: Hi. My name is Cynthia Davis.

24 VICE CHAIR COHEN: And your address, please?

25 MS. DAVIS: My address is 4831 9th Street

1 Northwest, Washington, D.C. 20011.

2 VICE CHAIR COHEN: Okay. And since you just
3 arrived we need you to fill out two testimony cards.

4 MS. DAVIS: Okay.

5 VICE CHAIR COHEN: Okay? And one goes to our
6 -- yeah, both go over there.

7 MS. DAVIS: Okay.

8 VICE CHAIR COHEN: Okay.

9 MS. DAVIS: I will do.

10 VICE CHAIR COHEN: Thank you. You can begin.

11 MS. DAVIS: Hi. Oh yes, most definitely I
12 think I am so for this. I appeared before you guys
13 some years ago to -- I was the third person to try to
14 expand, and I got approved for two staff, and I got
15 approved for the 12 children plus, including children
16 with special needs. And I had so much opposition
17 just to complete everything. I got caught up mainly
18 in the part at DCHA where they was telling me that my
19 house was sort of -- had to be like education
20 housing. So it sort of hung me up between a part
21 where I couldn't complete the expanded, even though I
22 did the DCRA portion. And I can't wait until this
23 actually goes through because it will make it easier
24 for me because I'll have to get the HOP license
25 instead of having to get the certificate of

1 occupancy.

2 And I do have currently, 20 parents on a
3 waiting list to receive care. Also I'm on the
4 Care.com. Parents call me every day and be looking
5 for care and I just can't be over the six limit.
6 And, you know, I don't want to jeopardize my business
7 and my home to be able to do that, but if this passes
8 I can take at least another six children and be able
9 to provide help for my families that I serve.

10 VICE CHAIR COHEN: Thank you. Will the next
11 person please state your name and address for the
12 record? Just stay there. We may have questions for
13 you.

14 MS. ARNOLD: Good evening, Commissioners. My
15 name is Mercia Arnold and my address is 4803 10th
16 Street Northeast, which is located in North Michigan
17 Park in Ward 5.

18 I am in support of the expansion of child
19 care facilities in neighborhoods. I grew up in a
20 very small town and I can recall the name of the
21 childcare provider I had, where I went over to Mrs.
22 Pearlman's house before I went to nursery school. So
23 the concept is something I am incredibly in support
24 of.

25 I'm here tonight not to oppose, but to

1 express a concern with the process that we're using.
2 My focus is actually on elderly care homes that some
3 of the commissioners have mentioned before. One of
4 the things that I think I understand is happening in
5 the process is that they have deleted a section. I
6 think it's 202.4D, and in terms of references I'm
7 happy to put together written comments but I just
8 found out about this today.

9 So my comments go to page 7 of the OP report
10 of July 17th, 2005, with respect to the fact that
11 Section 202.4D appears to not apply to elderly
12 daycare centers.

13 And then reading on in Section 8 of the OP
14 report at page 9, when I look at section 202.4D and
15 Section 202.6, and then Section 203.4, subparagraphs
16 L and M, all of those read together suggest that
17 there's going to be an extreme enforcement burden on
18 neighbors of elderly daycare centers regarding the
19 number of vehicle trips to the premises and
20 congestion during peak drop-off and pick-up times for
21 elderly people who are being dropped off at the
22 daycare centers.

23 I, myself, am a member of the Sandwich
24 Generation, which means we not only have to care for
25 young children but many of my friends also have to

1 care for and manage a work life where they also have
2 responsibilities for their seniors. One of the
3 unintended consequences of removing one of the
4 sections as mentioned in the OP report is that some
5 of the density restrictions that were in Section 205
6 are not fully applied clearly in the regulations for
7 elderly daycare centers.

8 So I would request that as the Commission
9 considers expanding daycare for children, and please
10 do that with all -- as fast as you can. But I would
11 request that we also consider carefully that a
12 recalcitrant two-year old, you can pick up and carry
13 to the daycare center. A recalcitrant 92 year old,
14 you have to wait for, and that's going to add more
15 time. So that's my comment and I'm very much in
16 support. Thank you.

17 VICE CHAIR COHEN: And, thank you very much
18 for testimony. Any questions?

19 Okay. Hearing none, I would just like to ask
20 the Office of Planning, can you respond about the
21 elder care at this moment?

22 MS. BROWN-ROBERTS: Yeah. Madam Chairman,
23 when we looked at it we only look at the child
24 development centers. We did not look at the elderly
25 care. As I said before, what we did was to move one

1 portion to another. But I'd be willing to get with
2 her and go over what our concerns are and where the
3 sections that she think is missing.

4 VICE CHAIR COHEN: Thank you very much for
5 that. So we don't have a resolution for that, some
6 of these things. But at least we know that we'll
7 discuss it further.

8 MS. ARNOLD: Thank you. Given that the ZRR
9 is also going at the same time. I appreciate that.
10 Thank you very much.

11 VICE CHAIR COHEN: Thank you. I just have
12 another question, again, just for the Office of
13 Planning. Ms. Groginsky's testimony talked about a
14 few additional amendments to DCMR Title 29, Chapter
15 3. Were these considered or are these like, you
16 know, new to you?

17 MS. BROWN-ROBERTS: They're included.
18 They're all things that are included --

19 VICE CHAIR COHEN: Okay.

20 MS. BROWN-ROBERTS: -- in the amendment.

21 VICE CHAIR COHEN: All right. Thank you very
22 much. We wish to thank everybody for their, you
23 know, testimony and the assistance in this hearing.
24 The record in this case is closed except -- well, I
25 don't think we need any more -- I think there was

1 some information that Commissioner Miller did ask
2 for. But I do believe that we have a complete record
3 and I think my colleagues are willing to take action
4 tonight, proposed action.

5 So based upon that do I hear a motion on
6 this?

7 MR. TURNBULL: Yes, Madam Chair, I would move
8 that we take proposed action on Case No. 15-17, Text
9 Amendments to 11 DCMR Zoning Chapters, 1, 2, 5, 6, 7,
10 and 31, Child Development Homes, and look for a
11 second.

12 MR. MILLER: Second.

13 VICE CHAIR COHEN: All right. We have a
14 motion and we have a second.

15 [Vote taken.]

16 VICE CHAIR COHEN: Ms. Schellin, can you
17 record?

18 MS. SCHELLIN: Yes, ma'am. Staff records the
19 vote four to zero to one to approve proposed action
20 in Zoning Commission Case No. 15-17, Commissioner
21 Turnbull moving, Commissioner Miller seconding,
22 Commissioners Cohen and May in support, Commissioner
23 Hood not present, not voting.

24 VICE CHAIR COHEN: Thank you very much. This
25 has to go through a final action and that will be

1 scheduled at the appropriate time. You'll put it on,
2 what? You'll put it on the agenda and work with the
3 Office of Planning.

4 And based upon that I now declare today's --

5 MR. MAY: Can I interrupt one second?

6 VICE CHAIR COHEN: Oh, I'm sorry.

7 MR. MAY: Just to be clear, there are -- so
8 there were a couple things that are still open. You
9 didn't say explicitly the record would be left open
10 for additional submission by OP, but I assume that's
11 what we intention is.

12 VICE CHAIR COHEN: That is correct. That --

13 MR. MAY: Okay. I mean, it's not a lot of
14 information, just minor things.

15 VICE CHAIR COHEN: No, it was just --

16 MS. SCHELLIN: I think she was saying that it
17 was closed to everyone else except for what was asked
18 for. Yeah.

19 MR. MAY: Right. I just wanted to make sure
20 that was clear to everybody.

21 VICE CHAIR COHEN: Commissioner Miller.

22 MR. MILLER: But isn't part of the process of
23 proposed rulemaking that it goes out --

24 MR. MAY: Yes.

25 MR. MILLER: -- for our public comment

1 period.

2 MR. MAY: Right.

3 MR. MILLER: I mean, so --

4 MR. MAY: Yeah.

5 MR. MILLER: -- that's part of the process,
6 that it goes out formally for a public comment period
7 at least --

8 MS. SCHELLIN: Then it's open for everyone.

9 MR. MILLER: Right.

10 MS. SCHELLIN: Only to comment on the
11 proposed rulemaking only. Yeah.

12 MR. MILLER: Right. Thank you.

13 VICE CHAIR COHEN: Thank you, Commissioner.
14 So now I will just say I miss Chairman Hood, and he
15 will be back on Thursday if any of you come to say
16 hello to him specifically.

17 MR. MAY: I'm not sure I miss Chairman Hood.
18 I mean, I think you've done an excellent job.

19 VICE CHAIR COHEN: I now declare today's --

20 MR. MILLER: I would second that.

21 VICE CHAIR COHEN: I now declare today's --

22 MR. TURNBULL: I'll third that.

23 VICE CHAIR COHEN: -- public hearing
24 adjourned.

25 [Hearing adjourned at 7:41 p.m.]