

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

NOVEMBER 12, 2002

+ + + + +

The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:25 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
DAVID ZAIDAIN	Board Member (NCPC)
CURTIS ETHERLY, JR.	Board Member

COMMISSION STAFF PRESENT:

SHERI PRUITT	Secretary, BZA
BEVERLY BAILEY	Office of Zoning
CLIFFORD MOY	Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL PRESENT:

LORI MONROE, ESQ.

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

(9:25 a.m.)

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen. I would like to call to order the public meeting of 12 November 2002. With that, my name is Geoffrey Griffis, and I am Chairman, and with me today is Ms. Anne Renshaw, Vice Chair; and representing the National Capital Planning Commission is Mr. David Zaidain.

And representing the Office of Zoning with us today is Ms. Bailey and Mr. Moy. We were a little delayed in getting started, and so I would appreciate everybody's patience.

We are awaiting a delayed member; however, we have a quorum, and I would like to continue or jump into our Special Public Meeting this morning.

MR. MOY: Good morning, Mr. Chairman and Members of the Board. The first case for a decision this morning is Application Number 16915, Barbara Schriever Allan, pursuant to 11 DCMR 3104.1, for a special exception for the continued operation of a child development center, having 23 children and three staff under Section 205, at premises 2828 Hurst Terrace, Northwest.

I would also like to add, Mr. Chairman,

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1 that the Board may wish to consider waiving in a
2 supplemental report from the Office of -- from the
3 Department of Transportation, a letter, dated November
4 8th, 2002. Thank you.

5 CHAIRPERSON GRIFFIS: Thank you, Mr. Moy. I
6 guess to be absolutely correct, we would need to waive
7 in the report from DDOT, although it was actually a
8 request from the Board to have this submitted.

9 So I will take any objections to waiving in
10 the report, and not seeing any, it is the consensus of
11 the board present today that we would waive and accept
12 the report.

13 Good. Very well. Board Members, we
14 clearly have reviewed the information that was
15 submitted, findings and conclusions of each of the
16 sides. One might look at this as -- well, what I
17 would like to do is proceed under a motion actually.

18 (Brief Pause.)

19 CHAIRPERSON GRIFFIS: Very well. What I
20 would like to do, Board Members, is set a motion and
21 have discussion on that, and I would like to move
22 approval of Application Number 16915, pursuant to the
23 special exception, for the operation of a child
24 development center.

25 I believe there are numerous issues that

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1 need to be discussed under this motion and I would
2 also like discussion on any conditions that might be
3 appropriate to this.

4 First of all, let me start with the
5 condition that I think is very appropriate, and that
6 is a time limit, the previous orders of which we have
7 had several -- have had time limits.

8 I think generally speaking that special
9 exception is based on the fact -- and it is an
10 important element of time limits, and that is so that
11 when the special exception relief is flexible, that
12 can in fact grow with the community and change with
13 the community, and that is for the benefit of the
14 business, and the benefit of the community.

15 Meaning as the community changes, so should the
16 ses that have come under relief, and so I have no
17 apprehension in doing that. Specifically to this
18 case, I think the record shows -- and I was fairly
19 convinced of the fact that there have been changes in
20 the community, and I think that should be reflected in
21 our deliberation in reviewing this special exception.

22 And therefore I would take discussion on a time
23 limit, and I would propose three years. Secondly, I
24 will run through the issues, and then open it up for
25 others for discussion. I think that we do need to

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1 talk about enrollment and staff.

2 I think the time of use perhaps if we are
3 persuaded that that needs to be regulated, and
4 parking. Also, there was in the record the issue of
5 events and how events are dealt with, and how many.
6 So that is what I have. So why don't we talk about
7 those specifically, and we can add to them as we
8 proceed.

9 VICE CHAIRPERSON RENSHAW: Mr. Chairman, we
10 will be talking about hours also? Did you include
11 that in your list?

12 CHAIRPERSON GRIFFIS: Yes. Yes, hours of
13 operation.

14 VICE CHAIRPERSON RENSHAW: Yes.

15 CHAIRPERSON GRIFFIS: And let me give a
16 little bit of background in my deliberation on this,
17 in terms of the changing, and relating to the time
18 limit of 3 years. The adjacent school has undergone
19 renovation, and it is clearly opening up again.

20 And I think that will create a difference,
21 whether it is negative or positive, but it will create
22 a different dynamic in the community, and I think
23 within three years it will be evident how that is
24 relating.

25 Clearly, we have had in the record that

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1 there is development around and increased traffic, and
2 I think that must relate to this block, although it is
3 not created necessarily by the day care. The day care
4 center is clearly a part of the larger community, and
5 therefore I believe strongly that is in fact why
6 special exception relief was created and written as it
7 is. So with that --

8 VICE CHAIRPERSON RENSHAW: Mr. Chairman,
9 are you looking for a discussion on your motion of
10 three years?

11 CHAIRPERSON GRIFFIS: I would take a second
12 on the motion and then we can have discussion.

13 VICE CHAIRPERSON RENSHAW: I will second
14 that motion.

15 CHAIRPERSON GRIFFIS: Thank you. And I
16 laid out the issues, and I would have discussion on
17 those. If you want to start with time limit, and
18 there is a difference of opinion on time, we can start
19 there.

20 If not, I would have you march down the
21 issues.

22 VICE CHAIRPERSON RENSHAW: Well, Mr.
23 Chairman, I support three years. I believe that it is
24 necessary to see how some of these conditions are
25 going to work themselves out, and for the sake of the

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1 community which has brought the problems to our
2 attention, I think that three years would be an
3 appropriate time limit to gauge whether or not the
4 conditions that we put in place to benefit the
5 community and to benefit the applicant are working.

6 MEMBER ZAIDAIN: I agree with the 3 years.
7 I am just curious as to what was the previous orders?

8 CHAIRPERSON GRIFFIS: There were several
9 different time periods.

10 MEMBER ZAIDAIN: Okay. But I think
11 shortening the time frame is --

12 CHAIRPERSON GRIFFIS: The first order was
13 for 3 years, and the second order for '87 was 5 years,
14 and the third order for '92 was 10 years.

15 MEMBER ZAIDAIN: Well, hearing the concerns
16 of the surrounding community, I would agree with 3
17 years is the best route to go.

18 CHAIRPERSON GRIFFIS: Does anyone want to
19 pick up another issue or is that it for the conditions
20 on this order?

21 MEMBER ZAIDAIN: I thought we had a whole
22 list of issues to go through here, Mr. Chair. Next on
23 my list I saw was enrollment. Just going down what I
24 wrote down.

25 VICE CHAIRPERSON RENSHAW: Mr. Chairman,

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1 when I started to review this file back in September,
2 and I thought at first that the 23 children was the
3 total enrollment, plus three staff, as total. But
4 then in 1992, the BZA order states that enrollment
5 shall be limited to a maximum of 23 children.

6 But the order does not say, nor does the
7 CFO state, that 23 is the daily cap. And then we
8 subsequently found out that there were 42 families
9 enrolling 47 children in the school, and 3 days out of
10 the 5 school day session, the school is over the
11 enrollment or daily cap of 23.

12 And we see that Tuesdays and Thursdays
13 there are 27 children there, and on Wednesdays, there
14 is 24. The staff is really six, including part-
15 timers, but three on any given day.

16 And interestingly the traffic report, on
17 page 4, states that this schedule will be adjusted to
18 comply with the 23 student enrollment cap, but that is
19 from traffic, and not from the applicant.

20 MEMBER ZAIDAIN: I also think --

21 CHAIRPERSON GRIFFIS: Okay.

22 MEMBER ZAIDAIN: -- that the difference
23 between how many people are on site, as opposed to
24 enrollment, and so I think we are going to get into
25 that.

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1 CHAIRPERSON GRIFFIS: I think that is an
2 important issue to bring up. I think that this is
3 difficult and has not up to yet been defined to my
4 satisfaction. So I think it is open for
5 interpretation to this board of how we define in this
6 specific case enrollment.

7 Is it as -- I think both of you are going
8 to, is how many children are on site, or is it the
9 total matriculation in the facility. Do you have an
10 opinion on that, Mr. Zaidain?

11 MEMBER ZAIDAIN: Yes. I am at this time
12 inclined to go with how many are on site, because I
13 think that is more relevant to the impacts. If there
14 are 23 students on site per day, it doesn't really
15 matter to the surrounding community as to the impacts,
16 in terms of the character of the neighborhood, whether
17 they are the same 23 students or not.

18 If it is 23 per day -- I am trying to find
19 the best way to explain it.

20 VICE CHAIRPERSON RENSHAW: However, there
21 is testimony to the effect that there have been three
22 events that bring in 40 to 45 families, and then there
23 are the other staff people who would come to these
24 special events and possibly guests.

25 So that when you talk about capping it,

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1 let's say, at 23 as a daily enrollment, the impact of
2 that is far larger than just 23 students.

3 MEMBER ZAIDAIN: It seems to me that the
4 board should go in the direction of handling the
5 events in a different condition, and limiting those in
6 number and size.

7 VICE CHAIRPERSON RENSHAW: But again some
8 of the children come for one or two days a week, or
9 two or three days a week, and you are having to deal
10 with a great number of families, and there may be some
11 overlapping.

12 If a student is enrolled, there could be a
13 change in the schedule mid-term, and it seems to me
14 that we have to look at how many children are
15 enrolled. And when I started reading this, I thought
16 that the total enrollment was 23 children, and that
17 seemed doable.

18 And then it would be broken down to maybe 8
19 students on one day, and 10 on another day, and the
20 impact to the neighborhood would not be so great. But
21 this is dealing with a broader span, a broader number
22 of families, in order to capture at least 23 children
23 at that site per day.

24 And I think we are hearing from the
25 neighborhood, and the direct neighbors, that that is

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1 too many. That the impact of those 23 children is
2 caused per day, five days a week, for 160 days out of
3 the year, is causing too great an impact.

4 So it is either lessen the number of
5 children per day --

6 MEMBER ZAIDAIN: Right, I understand that,
7 but what I think what we were debating before was kind
8 of the unit of measurement, and we were going to look
9 on-site, which if I am hearing you correctly, I think
10 that is where you are going.

11 You may be advocating reducing that, which
12 I think what I hear you saying is that we should do.

13 VICE CHAIRPERSON RENSHAW: I am advocating
14 reducing the impact, the negative impacts on the
15 neighborhood.

16 MEMBER ZAIDAIN: I agree.

17 VICE CHAIRPERSON RENSHAW: And if that is
18 through reducing the number of vehicles whose
19 destination is Hurst Terrace per day, then that is
20 what we have to examine.

21 MEMBER ZAIDAIN: Okay. And it is my
22 position that by regulating how many people are on
23 site, as opposed to overall enrollment, would be the
24 best way to do that.

25 VICE CHAIRPERSON RENSHAW: And are you

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1 saying that 23 is the magic number?

2 MEMBER ZAIDAIN: Well, I wanted to hear
3 what the chair had to say about that to be honest with
4 you, and get some more information out there.

5 CHAIRPERSON GRIFFIS: I think it is
6 difficult to fully minimize the impact based on the
7 special exception requirements by doing one or the
8 other. I think there are strong cases to look at
9 each.

10 Clearly, as Ms. Renshaw is laying out, site
11 enrollment, with a total enrollment that is different,
12 may bring in in fact increased traffic if you have a
13 doubling up of students during a day.

14 I think perhaps what we look at is dealing
15 with both, and looking at a total enrollment, which
16 would speak to the larger events or all school events,
17 and perhaps looking at an on-site population.

18 I think in this case, in this specific
19 case, the overall impact is not momentous in terms of
20 certainly you are not changing out 23 students every
21 hour, which would bring, you know, 60 or more within
22 the 3 hour window that it is in operation.

23 So to that I think it is important perhaps
24 for this that we -- I think an option is that we could
25 conceivably deal with both. I do -- my hesitation

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1 somewhat in my deliberation was that looking back at
2 the previous orders that Ms. Renshaw has laid out,
3 there was an enrollment number and cap.

4 And I think it has been interpreted by the
5 applicant as an on-site population.

6 VICE CHAIRPERSON RENSHAW: A daily cap.

7 CHAIRPERSON GRIFFIS: I am not so certain
8 that that is correct.

9 MEMBER ZAIDAIN: Well, there were 47
10 children enrolled, and I don't know if that was a
11 condition of the previous order.

12 VICE CHAIRPERSON RENSHAW: It wasn't. It
13 was just 23.

14 CHAIRPERSON GRIFFIS: It was 23.

15 MEMBER ZAIDAIN: On-site.

16 VICE CHAIRPERSON RENSHAW: On-site. Well,
17 it said that the enrollment shall be limited to a
18 maximum of 23 children, and therefore is that a daily
19 cap, or is that the enrollment figure. And I take it
20 to be enrollment, period, and the daily cap is
21 something other than that. It is up to 23 children,
22 or it can be 10 children, or 8 children. But that's
23 that.

24 CHAIRPERSON GRIFFIS: Of course, the
25 reality of running a business like this is that you do

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1 need to have the facility filled. I am not sure that
2 the record speaks to enough information for us to
3 deliberate on what that exact number is.

4 MEMBER ZAIDAIN: Right.

5 CHAIRPERSON GRIFFIS: But I think there
6 needs to be some sort of flexibility in terms of
7 having students who may not be there all day, and that
8 could be replaced by others, so that you would have
9 the consistent number of kids on site at one time.

10 MEMBER ZAIDAIN: Right. But I think that
11 still in terms of measuring the impact on the
12 neighborhood, going with on-site is the way to go,
13 because if we cap enrollment, and let's say that there
14 is one student that enrolls, and say, he is only going
15 to be there for one hour a week, that counts against
16 that even though the impacts of that child being
17 enrolled is minimal.

18 CHAIRPERSON GRIFFIS: I see.

19 MEMBER ZAIDAIN: I think that it really
20 handicaps the applicant.

21 CHAIRPERSON GRIFFIS: And I would agree.
22 Okay. So you are proposing a condition of enrollment
23 as defined by on-site -- well, perhaps we should
24 remove the enrollment. We would talk about an on-site
25 population of students to equal --

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1 VICE CHAIRPERSON RENSHAW: Capped at.

2 CHAIRPERSON GRIFFIS: And capped at. What
3 is the number? Is it 23, which is what it currently
4 is?

5 VICE CHAIRPERSON RENSHAW: Well, that
6 translates into again 42 families at the current time,
7 and that is too much according to the testimony of the
8 neighbors.

9 MEMBER ZAIDAIN: What do you mean by 42
10 families?

11 VICE CHAIRPERSON RENSHAW: Well, because
12 some of the children are there only a few days a week,
13 maybe two days, or one day a week, enrollment is 42
14 families, and 47 children, for an average population
15 per day of 23. And on some days as we note, they are
16 over the cap; Tuesdays at 27 and Wednesdays at 24, and
17 Thursdays at 27.

18 MEMBER ZAIDAIN: And that is what you are
19 saying we should keep that level at?

20 VICE CHAIRPERSON RENSHAW: Well, I am not
21 saying that is the appropriate level, because right
22 now that level is too much for the abutters, for the
23 residents of Hurst Terrace, because it means cars
24 circling the block, and cars lined up at three abreast
25 at -- no abreast, but three, one behind the other, in

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1 front of the subject house.

2 And it causes congestion, and parking
3 problems, and that has been brought to our attention,
4 and this is what we want to address, because we have
5 to get down to no objectionable traffic conditions as
6 of 205.3.

7 CHAIRPERSON GRIFFIS: We have to mitigate
8 any sort of negative impact.

9 VICE CHAIRPERSON RENSCHAW: We have to
10 mitigate, yes. We have to come back to no
11 objectionable traffic conditions.

12 CHAIRPERSON GRIFFIS: I would suggest,
13 first of all, that we are severely limiting the time
14 period to a 3 year. I would accept a condition of on-
15 site population capped at 23, and I would like to move
16 to the traffic plan, which I actually did mention in
17 the beginning, so we can discuss that within the whole
18 context of how that population is dealt with.

19 Because Ms. Renschaw, you have brought up an
20 excellent point, and the record clearly shows that
21 neighbors have concerns about the traffic in the
22 morning. It has been evidenced by the applicant of
23 how they are proposing to deal with the traffic
24 pattern.

25 And that is that they would have a maximum

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1 of three cars queuing for drop-off, and if a fourth
2 car was to come, they would need to circle the block,
3 so as maintaining a total of three cars at any one
4 time, queuing.

5 I would also think that part of that part
6 of that traffic plan would have a requirement that a
7 staff member from the child development center be out
8 front directing and ensuring that is complied with,
9 and also ensuring the safety of the children being
10 dropped off or picked up.

11 I think it should also be clearly stated in
12 writing at enrollment, and periodically when needed by
13 the facility to the parents the proper procedures for
14 pick-up and drop-off that would ensure first that
15 there would not be any congestion created on the
16 block.

17 And, secondly, and I find much more
18 importantly, to ensure the safety of the children
19 coming and going.

20 MEMBER ZAIDAIN: So in general what you are
21 advocating is keeping the on-site enrollment to 23,
22 but adding additional traffic mitigation measures to
23 help that operation work a little bit better.

24 CHAIRPERSON GRIFFIS: Well said.

25 MEMBER ZAIDAIN: I think I would agree with

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1 that.

2 VICE CHAIRPERSON RENSHAW: We need to point
3 out since it has been pointed out to the board, that
4 there have been instances where children have been
5 off-loaded on the driver's side of the car, and that
6 has to end.

7 There has to be some restriction, some
8 notice to the parents that that is not to happen. But
9 then we get into the problem of we have three cars
10 cuing up in front of the subject's house, and we have
11 other cars circling the neighborhood which has been
12 brought to our attention, is objectionable to the
13 neighbors living on other streets.

14 So how are we going to handle this circling
15 until these people can fall into one of the three
16 spaces in front of the house?

17 CHAIRPERSON GRIFFIS: How do you propose to
18 handle it?

19 VICE CHAIRPERSON RENSHAW: Well, we had
20 proposed to us the idea of staggering the arrival
21 time, and that may be a way of handling it to divide
22 -- if we are going to vote on 23 students, that they
23 be divided in clusters and arrive at the school in
24 increments of 15 minutes or so, let's say.

25 But to not think about stagger time, but to

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1 get this stagger time arrangement under way.

2 CHAIRPERSON GRIFFIS: My concern is just
3 the reality of having that happen. If you start
4 staggering at 15 minute intervals, you have a 9 to 12
5 day, and you really don't have much time to have the
6 kids even there.

7 I think the drop-off and pick-up with 3
8 cars will happen very quickly and can be done very
9 efficiently and safely. And I think clearly by having
10 somebody out there directing and making sure that
11 happens would be sufficient.

12 VICE CHAIRPERSON RENSHAW: Well, as I
13 understand it the three cars parked in front of the
14 subject's house, the driver is instructed not to get
15 out of the car, and someone from the child care center
16 reaches in and takes the child from the seat, and
17 takes the child into the day care center, or the child
18 care center.

19 CHAIRPERSON GRIFFIS: Right.

20 VICE CHAIRPERSON RENSHAW: There is going
21 to be a delay, because there are only three employees
22 on site at any given time besides Ms. Allan, the
23 applicant.

24 CHAIRPERSON GRIFFIS: Right.

25 VICE CHAIRPERSON RENSHAW: So they are

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1 going to have to walk the child into the day care or
2 child care center.

3 CHAIRPERSON GRIFFIS: Not necessarily.

4 VICE CHAIRPERSON RENSCHAW: They just send
5 the child on their way?

6 CHAIRPERSON GRIFFIS: They could, depending
7 on the age, or they could have they all corrugate out
8 in front and walk in at one point, and there is a lot
9 of ways to deal with that. And I think that can
10 happen fairly quickly.

11 VICE CHAIRPERSON RENSCHAW: But we are
12 urging the applicant to seriously consider, or we
13 could urge the applicant to seriously consider stagger
14 times if --

15 CHAIRPERSON GRIFFIS: Oh, yes. I mean, I
16 don't think we are going to preclude them from doing
17 that.

18 VICE CHAIRPERSON RENSCHAW: -- the
19 arrangement of getting three children out of their car
20 and then taking those three into the child care center
21 does not work in a timely manner to alleviate
22 problems.

23 CHAIRPERSON GRIFFIS: Right, and
24 conceivably if they have three staff members, and if
25 they have one in the facility, and one that is walking

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1 children to and from, and one that is off-loading the
2 children, it seems to be a fairly efficient way to do
3 it.

4 The other piece that I don't think we are
5 precluding, but we certainly can condition, is the
6 fact that they will put in an application to DDOT
7 regarding the no parking times signage in front of the
8 house that may also give spaces for the purposes of
9 the three cars loading and unloading that would move
10 them off the street so that proper traffic can flow
11 through.

12 MEMBER ZAIDAIN: Mr. Chair, staying on
13 traffic real quick, we do have this report from Wells
14 and Associates --

15 CHAIRPERSON GRIFFIS: Yes.

16 MEMBER ZAIDAIN: -- with some suggested
17 conditions. I think there is some of these that may
18 be worth including in the motion.

19 VICE CHAIRPERSON RENSHAW: You mean like
20 number four, directing parents to park in non-
21 residential spaces?

22 MEMBER ZAIDAIN: I would say number four,
23 number five. I would also agree with number six,
24 although positing the special event on the calendar on
25 a website probably isn't the most -- I wouldn't want

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1 to see zoning enforcement going on the web.

2 VICE CHAIRPERSON RENSHAW: Well, one of the
3 changes that I was going to suggest about notifying
4 the ANC, and that is ANC-3D, is that it must be in
5 writing, and it must coincide with an ANC meeting,
6 because I believe ANC-3D meets once a month, and the
7 applicant needs to make sure that the 30 days covers a
8 meeting, so that it doesn't fall just after a meeting.

9 MEMBER ZAIDAIN: Well, while we are on
10 this, why don't we take up number one, which is
11 limiting the events to no more than six occasions per
12 calendar year. That kind of concerned me because we
13 heard testimony saying that they only had three events
14 during the year.

15 VICE CHAIRPERSON RENSHAW: Well, you say
16 only have three events. Those three events seem to
17 have an impact on the neighborhood, because they --

18 MEMBER ZAIDAIN: Right, but what I am
19 saying is that they are suggesting six, and I am
20 saying that we should just limit it to three.

21 CHAIRPERSON GRIFFIS: I do accept that as a
22 condition.

23 VICE CHAIRPERSON RENSHAW: And does that
24 three events include any other kind of open house
25 arrangement for prospective parents?

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1 MEMBER ZAIDAIN: Well, that would be
2 considered an event in my mind.

3 VICE CHAIRPERSON RENSHAW: Okay.

4 CHAIRPERSON GRIFFIS: I would agree.

5 VICE CHAIRPERSON RENSHAW: All right. I
6 think it should be spelled out so that we don't think
7 of it just as Halloween and a picnic. Maybe two
8 picnics.

9 MEMBER ZAIDAIN: Okay. Do we want just
10 want to go down here point by point? We just dealt
11 with number one, and number two --

12 CHAIRPERSON GRIFFIS: I think number two
13 would be included in the events, and I think that
14 makes a lot of sense.

15 VICE CHAIRPERSON RENSHAW: Well --

16 CHAIRPERSON GRIFFIS: That is, that it
17 wouldn't begin earlier than 8:30.

18 VICE CHAIRPERSON RENSHAW: Well, we have
19 not discussed hours of operation, and special events
20 should coincide with hours of operation.

21 CHAIRPERSON GRIFFIS: Well, I think that
22 this is an important specific to events. You don't
23 want to have all the events descending on 8:30 or
24 before. That is clearly the time when the community
25 residents would be -- oh, I see what you mean.

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1 VICE CHAIRPERSON RENSHAW: Well, I would
2 say nine o'clock.

3 CHAIRPERSON GRIFFIS: Indeed. I just
4 caught your point, and I think that is excellent. It
5 would be nine o'clock.

6 MEMBER ZAIDAIN: I think that number three
7 seems appropriate, in terms of special events. I
8 mean, we can't have that coincide with hours of
9 operation, because it is a special event. But, number
10 four, and number five we discussed, and number six,
11 with notifying the ANC-3D.

12 VICE CHAIRPERSON RENSHAW: In writing.

13 MEMBER ZAIDAIN: In writing, and in
14 coordination with one of their meetings, and I am not
15 sure how to word that. But I would suggest removing
16 the condition about the web page That doe not sound
17 realistic to me.

18 CHAIRPERSON GRIFFIS: Okay.

19 MEMBER ZAIDAIN: And then I don't know how
20 we can regulate number seven.

21 VICE CHAIRPERSON RENSHAW: The neighbors by
22 written notice. It is hard sometimes to reach
23 neighbors word of mouth, and they may be away, et
24 cetera. But it is best to have a flyer put in their
25 doorway.

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1 CHAIRPERSON GRIFFIS: It seems like 6 and
2 7, which is notification, makes sense, and that it
3 would just be a very quick blurb, and they can send it
4 to the ANC.

5 VICE CHAIRPERSON RENSHAW: Written notice.

6 CHAIRPERSON GRIFFIS: And they can provide
7 it for the neighbors, and that may well be -- and it
8 seems easy enough to drop it in the mailboxes. And
9 neighbors I think we define as the adjacent properties
10 on this specific block.

11 VICE CHAIRPERSON RENSHAW: Hurst Terrace.

12 CHAIRPERSON GRIFFIS: Okay. Time
13 operation.

14 VICE CHAIRPERSON RENSHAW: Currently, the
15 school is 9:00 to 12:00, and I would keep with that
16 time frame, but that should include all the operation
17 of the school.

18 CHAIRPERSON GRIFFIS: Okay. And that is
19 shown in the record that that is the operation times
20 that is current?

21 VICE CHAIRPERSON RENSHAW: Yes.

22 CHAIRPERSON GRIFFIS: Very well. And last
23 is employees.

24 VICE CHAIRPERSON RENSHAW: It has been
25 testified to that currently there are four full-time

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1 and two part-time employees of the school, and it has
2 been testified to that there are no more than three on
3 site at any given time or on any given day.

4 I would keep to that, unless there are --
5 unless one of my colleagues would like to suggest
6 another arrangement.

7 CHAIRPERSON GRIFFIS: Okay. I think that
8 makes sense to call out in fact the differentiation
9 between full time and part time. I think we can look
10 at this as specific to this case clearly, and how it
11 has been evidenced in the record on the enrollment and
12 staff on its impact or non-impact. Does anyone have
13 any concerns about that; four, full-time, and two,
14 half-time?

15 MEMBER ZAIDAIN: No.

16 VICE CHAIRPERSON RENSHAW: But keeping it
17 capped at three on site per day.

18 MEMBER ZAIDAIN: In the testimony before,
19 is that how they are operating now?

20 VICE CHAIRPERSON RENSHAW: That is how they
21 are operating now, but we asked back on September 24th
22 how many there were, and we were given those numbers.

23 CHAIRPERSON GRIFFIS: I have a hesitation
24 about getting in and making conditions that may not be
25 realistic, and essentially micromanaging. I am

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1 thinking about three events; would they not have all
2 the staff members there?

3 VICE CHAIRPERSON RENSHAW: Of course they
4 would for events. That is what has been told to us.
5 They have 42 families, or up to 45 families was
6 testified to, I believe, and naturally that would
7 bring in all of the staff people.

8 CHAIRPERSON GRIFFIS: Right. But if you
9 have an off-site --

10 VICE CHAIRPERSON RENSHAW: So they would
11 have a swell.

12 CHAIRPERSON GRIFFIS: -- or rather an on-
13 site cap, then conceivably they would be beyond the
14 order if they brought them all in.

15 VICE CHAIRPERSON RENSHAW: Well, for
16 special events, are we capping the special events at a
17 particular number?

18 CHAIRPERSON GRIFFIS: Well, that is the
19 point. I mean, are we -- I would be more inclined to
20 set it to the overall staff, and look at it, and
21 deliberate ourselves on the impact of what the numbers
22 of staff are, rather than trying to figure out
23 specifically when and how they are going to be on-
24 site.

25 I mean, I think part of our deliberation is

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1 clear that we know that the operation, normal
2 operation, is three on-site, and at special events we
3 can assume that all the staff would be there. We need
4 to factor that in, in all of the conditions that we
5 are looking at.

6 So my point would be that I think we should
7 stay with looking at entire staff definitions as being
8 offered four full-time and two part-time.

9 MEMBER ETHERLY: I would be comfortable
10 with that, Mr. Chairman. I would also suggest that we
11 would want to provide some flexibility to the school
12 to ensure that they have sufficient staff on-site at
13 any given time to properly oversee and monitor the
14 activities of the children.

15 I wouldn't want to do anything necessarily
16 to compromise their abilities to do that.

17 VICE CHAIRPERSON RENSHAW: I would like to
18 point out to my colleague that for the last 10 years
19 it seems they have had three staff on-site, and have
20 not compromised the public safety, and the health and
21 welfare of those little children.

22 I am concerned about allowing more staff,
23 and let's say up to six on site at any given time,
24 because then we get into a traffic and parking
25 problem, and that is the crux of the neighbors

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1 complaint that there is just too much traffic, and
2 traffic congestion in the neighborhood.

3 And we have got 18 cars coming to that
4 specific site in the morning, and 21 in the afternoon.

5 So we have more staff there, and the staff people
6 could be driving, and we are going to have to contend
7 with that. So we are worsening the problem it seems.

8 MEMBER ETHERLY: But I think if I am
9 hearing you correctly, Member Renshaw, I think we are
10 on the same page. I am not advocating any change in
11 the staff number or any upward adjustment.

12 But I was responding to the concern as to
13 specifying particular events, or trying to carve out a
14 certain number that applies to special events and not.

15 I would just as soon, and again within the
16 flexibility or within the overall number of what we
17 cap the stuff at, allow the school to exercise some
18 flexibility as to -- if there is a special event,
19 where are all of those staff members need to be on
20 hand, then that would be my only concern.

21 VICE CHAIRPERSON RENSHAW: But that is
22 where we have gotten to this point right now, and that
23 is what has brought the neighbors to us, because the
24 numbers have been too many.

25 CHAIRPERSON GRIFFIS: And I think that is

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1 my point, Ms. Renshaw, that we all need to deliberate
2 on the fact that if this is just too much of an
3 impact, of four full-time, and two part-time
4 equivalents, knowing from the testimony of how this
5 has operated, if that for a specific member is
6 detrimental, and therefore they can't support the
7 motion, I think that is appropriate.

8 I think with a 3 year time limit we will
9 see if that happens. I think with the fact of
10 enrollment, and the parking, and the transportation
11 plan, limiting special events, and limiting the hours
12 of operation, all of which go to trying to maintain
13 the productive integration of this use into this block
14 and neighborhood.

15 So I am willing to accept the four full-
16 time, two part-time staff cap, and that is the list of
17 issues that I think needed to be talked about. And
18 with the motion open, I am open to hear if there are
19 others.

20 VICE CHAIRPERSON RENSHAW: We should go
21 down the ANC's list of conditions, and then the
22 opposition had some conditions that it suggested, and
23 could we just look at those and make sure that
24 everything is all right.

25 CHAIRPERSON GRIFFIS: Sure. I don't need

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1 to assume that all members have read and completely
2 deliberated on them. So I would rather, if it hasn't
3 come up, if you want to introduce issues, I think that
4 is appropriate to do. I don't think we need to go
5 over things that necessarily --

6 SPECIAL AGENT RZEPKA: That we have already
7 discussed.

8 CHAIRPERSON GRIFFIS: And that we don't
9 want to deal with and what we find appropriate.

10 MEMBER ZAIDAIN: The big point of the
11 parties in opposition's argument was to not disapprove
12 the special exception, but was to limit it, and I
13 think we have already dealt with that.

14 VICE CHAIRPERSON RENSHAW: But we haven't.

15 MEMBER ZAIDAIN: We are not trying to
16 improve the transportation impacts. We are trying to
17 mitigate the transportation impacts I should say.

18 VICE CHAIRPERSON RENSHAW: But again we are
19 back to 205.3, where it says there can be no
20 objectionable traffic conditions. We have kept the
21 same number of students per day as enrollment, and we
22 have not changed the parking, or not changed the
23 traffic plan to any great degree.

24 We have limited the special events to
25 three. We have not capped the number of employees.

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1 We have just given the same numbers as has been given
2 to us, and so where can we say that we are eliminating
3 the objectionable conditions?

4 MEMBER ZAIDAIN: You don't think that we
5 have added more transportation measures?

6 VICE CHAIRPERSON RENSHAW: No, I don't
7 think that there is enough of a cushion in our
8 decision to say that we have mitigated these
9 objectionable traffic conditions. And the only way to
10 do that it seems to me is to reduce the number of
11 students at the school.

12 The school started out as a neighborhood
13 convenience, where children were walked to the school,
14 and dropped off, and they were there for the morning
15 hours.

16 CHAIRPERSON GRIFFIS: Why don't you put a
17 number on what you are thinking.

18 VICE CHAIRPERSON RENSHAW: I am thinking of
19 15.

20 MEMBER ZAIDAIN: Total enrollment or on
21 site?

22 VICE CHAIRPERSON RENSHAW: Total on-site
23 per day, 15.

24 CHAIRPERSON GRIFFIS: So on site, and I
25 think that we would have that if this is a correct

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1 procedure as a supplemental motion as a condition to
2 the original motion, and I would take that as you
3 moving to have enrollment on-site or let's say a
4 student population on-site at 15.

5 VICE CHAIRPERSON RENSHAW: Yes.

6 CHAIRPERSON GRIFFIS: Is there a second?
7 Not hearing one, I believe that fails for lack of a
8 second. I think it is an excellent point, Ms.
9 Renshaw, that you brought up. But I think that the
10 board has indicated which direction it is going.

11 VICE CHAIRPERSON RENSHAW: But I would like
12 the Board to discuss 205.3, where there can be no
13 objectionable traffic conditions when we have not
14 changed anything.

15 CHAIRPERSON GRIFFIS: I think it does go to
16 the fact that all the board members have deliberated
17 on it, and although there was testimony that tried to
18 bring evidence to objectionable traffic, it would seem
19 from my look at the action so far by the board that
20 they were not convinced that there were objectionable
21 traffic conditions created specifically with this use.

22 I think that it was clear on the record for
23 myself, and I believe that others would agree, that
24 there is a changing condition, and there may well be
25 the potential for future objectionable conditions to

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1 be created.

2 But the fact of the issues that were
3 brought up, one of the big issues was could emergency
4 vehicles get through. There was a recollection of an
5 event where it couldn't get through, and it was
6 actually given in rebuttal testimony that it did get
7 through.

8 So one needs to balance each of what was
9 said on the record and comes to ones own conclusion.
10 I think the fact that the board is looking at
11 projecting out any sort of conditions that may be
12 created, in terms of getting through that block, I
13 think have been addressed in terms of the traffic
14 plan, and that is having a limited number of cars and
15 having the program for kids loading and unloading.

16 With that, I would like to move to then
17 another issue, and that is parking, which was not
18 brought up. We had asked for a brief on whether -- on
19 what the actual parking requirement was.

20 The regulations, as all our regulations
21 are, they are very straight forward, and well written,
22 and easy to understand, and that of course is my
23 attempt at a joke for the record.

24 But nonetheless if we look in Section
25 2101.1, child and early development center, which is

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1 coming in at all district, this one parking space for
2 each four teachers and other employees.

3 We have an interpretation by the applicant
4 that was submitted that indicates that the parking
5 count starts at four and above. I think there is also
6 the possibility that the parking, that one is required
7 when you begin, and at each four unit interval, an
8 additional parking space is required.

9 But I would open the discussion to everyone
10 involved for their interpretation of 2101.

11 MEMBER ZAIDAIN: Well, if this was just a
12 straight child development center, without different
13 uses on the site -- I mean, this is used as a
14 residential home as well. It just is not as cut and
15 dry as saying, okay, child development center, and
16 this is what is required.

17 If that was the case, then I would say that
18 they would not be required to have a space up until
19 they had the fourth teacher or other employee
20 threshold. That is my interpretation of the
21 regulations.

22 However, I don't think that this case is as
23 clear because we are in a special exception process,
24 where we have a mandate to mitigate or have no
25 objectionable transportation impacts, and parking

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1 obviously has a lot to do with that.

2 And furthermore it is also used as a
3 residential home. So it is not that clear.

4 CHAIRPERSON GRIFFIS: Is your understanding
5 of the parking requirements then that total for this
6 property would be two? So that one would be required
7 for the single family residential and one would be
8 required for the day care use?

9 Or are you saying that you get one -- that
10 you are not required for one up to four teachers, and
11 four teachers and above, you then are required?

12 MEMBER ZAIDAIN: You kind of lost me there
13 at the end. What I am saying is that if this were a
14 straight child development center, and let's say I
15 were the zoning administrator, I would just look at
16 the threshold of four employees and see if they were
17 over or above that, and determine the spaces at that
18 point.

19 However, that is not the case, because I am
20 not the zoning administrator, first; and secondly, we
21 are in more of a mitigation standpoint, where we can
22 take testimony, and look at impacts, and work on
23 parking spaces from that standpoint.

24 And also there is another use on the site
25 as residential.

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1 CHAIRPERSON GRIFFIS: Okay. Others?

2 VICE CHAIRPERSON RENSHAW: Well, we have
3 one parking space for the residential, and I think
4 that we need to have one parking space for the child
5 care center as I read it. That would be my
6 interpretation.

7 CHAIRPERSON GRIFFIS: Okay. So you are
8 indicating that the regulations would require two
9 parking spaces?

10 VICE CHAIRPERSON RENSHAW: Yes.

11 CHAIRPERSON GRIFFIS: Okay. That being
12 said, we have in the testimony and in the description
13 of the site, we clearly have one legal, in terms of
14 the zoning defined parking spaces.

15 We have one parking space on-site and that
16 is in the garage. There is a driveway that leads up
17 to that garage. That is in reality parkable, but does
18 not count towards the required parking spaces.

19 I think what Mr. Zaidain is talking about
20 is in this special exception the fact that we need to
21 look at the application and indicate whether there is
22 an additional requirement, or whether there is a
23 relief needed.

24 The testimony has been that they can park
25 two cars on the site; one in the garage and one in the

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1 driveway. So I think we are faced with the fact of
2 whether based on the testimony that we find that
3 adequate, and therefore, do not need to deal with the
4 parking issue.

5 So let me see if people have opinions or
6 direction on whether we take up parking in this or
7 not.

8 VICE CHAIRPERSON RENSHAW:

9 VICE CHAIRPERSON RENSHAW: Well, I think
10 there is this additional requirement for parking, and
11 are you saying then that we are just going to debate
12 it and kind of bring that into the special exception?

13 CHAIRPERSON GRIFFIS: Yes. I think it is an
14 issue that needed to be deliberated on. I don't think
15 -- it would not be my frame of mind to require an
16 additional parking space be created on-site. That
17 would go to paving the front yard and parking on it,
18 which I would find offensive in almost all residential
19 neighborhoods.

20 My point is that the regulations may tell
21 us -- what I am saying is that perhaps it is not
22 appropriate for us to step into a direct
23 interpretation of the parking requirements, because we
24 have an existing site.

25 If we move away briefly from making an

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1 actual interpretation of the specific parking
2 requirement, we can look at this application
3 individually and assess the reality of how it is being
4 used, and whether parking on-site is a large enough
5 issue, one, to not support our motion to approve, or
6 two, that we find -- or on the other side, that we
7 find that although per the zoning regulations that
8 there is only one parking space provided.

9 We know through the application that they
10 can in fact park two cars, because one can be in the
11 driveway. And then you need to roll in then in all of
12 our deliberations whether that is adequate, or if
13 additional parking based on the application and the
14 testimony that additional parking needs to be
15 provided, and then that opens up a whole bunch of
16 issues.

17 VICE CHAIRPERSON RENSHAW: Well, we have
18 already said that the driveway is not counted in this,
19 and the residents, and 90 percent of this home, is
20 residential use. And 10 percent is the child
21 development center.

22 So the driveway is not counting and they
23 have one of the residential "cars" in the garage. We
24 have been informed that another vehicle from that
25 residence is parked out in the street.

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1 It seems to me that with the regulation
2 that we should have a parking space attached to this
3 child development center.

4 CHAIRPERSON GRIFFIS: Where is it going to
5 be?

6 VICE CHAIRPERSON RENSHAW: That's just it.
7 We don't know. I don't know. And there should be
8 some parking requirement for these large events, so
9 that they just don't flood the streets.

10 CHAIRPERSON GRIFFIS: At this point, we are
11 going to need specifics on how we would actually deal
12 with that then.

13 MEMBER ZAIDAIN: Mr. Chair, did you say
14 that it was your position that the parking space in
15 the driveway does not count?

16 CHAIRPERSON GRIFFIS: It would not count.

17 MEMBER ZAIDAIN: What about for the
18 requirement for -- looking at the regulations, it says
19 that there is one for each dwelling unit required for
20 one family dwellings in all districts.

21 CHAIRPERSON GRIFFIS: Right.

22 MEMBER ZAIDAIN: And the parking space in
23 the driveway would not count for that?

24 CHAIRPERSON GRIFFIS: No, and to be very
25 clear, if we go over the strict regulation and define

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1 the zoning required parking and how they are defined,
2 no, you cannot park in a driveway or drive aisle that
3 accesses a parking spot.

4 Meaning that you can't count how many
5 stacked cars you can put all the way down the
6 driveway. That is just strict regulations.
7 Therefore, if two are required for this, and we decide
8 that two are required, they can only provide.

9 MEMBER ZAIDAIN: In the driveway.

10 CHAIRPERSON GRIFFIS: My additional point
11 of this -- no, in the garage.

12 MEMBER ZAIDAIN: In the garage.

13 CHAIRPERSON GRIFFIS: The garage is the
14 parking space, and the driveway accesses that. And
15 therefore you cannot per the zoning regulations count
16 cars that are parked in the driveway as fulfilling
17 your requirement of legal parking spaces.

18 But my additional point is for our
19 deliberation that we need to look at the reality of
20 how this is actually functioning, if this was a
21 commercial parking lot, I think it would be very
22 difficult to say, yes, stack them, park them, in the
23 driveway, because how would people access their cars
24 coming in and out.

25 This is a little bit of a different

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1 situation, and the fact that you can have a space in
2 the garage, and you can have a space in the driveway.

3 I think what Ms. Renshaw is saying is do we condition
4 to have a dedicated parking spot for the facility, and
5 I am not -- I am not so sure -- well, I am open to
6 convincing.

7 But I think the fact of the matter is the
8 utilization of the driveway and the garage for the
9 residential and the day care would be sufficient. So
10 we have about two more minutes on this.

11 Is there a condition being offered
12 regarding parking to the original motion? And I would
13 take it in a motion if anyone has one.

14 VICE CHAIRPERSON RENSHAW: That additional
15 parking space would have to be on the property of the
16 applicant, correct?

17 CHAIRPERSON GRIFFIS: Yes. If you wanted
18 to condition for a legal -- I will call it legal,
19 because it is per the regulations, it would have to
20 be. Otherwise, we do open up -- and I may be
21 mistaken,

22 But I think we would open up another type
23 of relief for, and if we decide that there is a
24 required parking spot, and it is not provided on-site,
25 it would have to be off-site. I think we would have

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1 to review that.

2 Very well. Let's proceed then. We have a
3 motion on the table --

4 VICE CHAIRPERSON RENSCHAW: We are
5 proceeding by not taking this up?

6 CHAIRPERSON GRIFFIS: That's correct.

7 VICE CHAIRPERSON RENSCHAW: And not making a
8 determination?

9 CHAIRPERSON GRIFFIS: That's correct.

10 MEMBER ZAIDAIN: I would assume we are
11 leaving the previous or the existing condition as is
12 for parking?

13 CHAIRPERSON GRIFFIS: Yes.

14 VICE CHAIRPERSON RENSCHAW: And not
15 requiring the applicant to in some way fashion another
16 parking space on the applicant's property?

17 CHAIRPERSON GRIFFIS: Correct.

18 VICE CHAIRPERSON RENSCHAW: Which it seems
19 given the numbers and the problems in the
20 neighborhood, as told us by the abutters, needs to be
21 done. In other words, there should be some
22 accommodation for this business and it has been a
23 growing business, and a greater impact on the
24 neighborhood.

25 Therefore, some of the relief has to be

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1 provided by the applicant.

2 CHAIRPERSON GRIFFIS: Okay.

3 VICE CHAIRPERSON RENSHAW: And it should be
4 in the way of another parking space on the applicant's
5 property.

6 CHAIRPERSON GRIFFIS: Do you see how that
7 might be accommodated?

8 VICE CHAIRPERSON RENSHAW: Hire a
9 contractor. I don't know.

10 CHAIRPERSON GRIFFIS: I mean, looking at it
11 with common sense, and walking down, it would mean
12 putting a surface parking space on their front yard.

13 VICE CHAIRPERSON RENSHAW: Cutting in
14 another driveway.

15 CHAIRPERSON GRIFFIS: Which I am not sure
16 they are allowed to do. I wonder what would be more
17 objectionable; a car parked on the street or a car
18 parked on the front yard?

19 VICE CHAIRPERSON RENSHAW: I don't know.

20 CHAIRPERSON GRIFFIS: Okay. I would have a
21 strong opinion that the car parked in the front yard
22 would be dramatically more objectionable.

23 VICE CHAIRPERSON RENSHAW: Well, again,
24 there may be other ways of fashioning a parking spot,
25 but we don't have the information unfortunately.

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1 CHAIRPERSON GRIFFIS: Well, what are you
2 proposing, Ms. Renshaw?

3 VICE CHAIRPERSON RENSRAW: Well, I am
4 proposing that the applicant should look into some way
5 of fashioning another parking spot on her property.

6 CHAIRPERSON GRIFFIS: Okay. And that is
7 well said, and I think that can be a strong direction
8 that the board gives to the applicant. There it is
9 then. That is all the issues that I have in terms of
10 the conditions.

11 We have a motion on the table that has been
12 seconded, and the conditions have been accepted to
13 that motion. Are there other items for deliberation
14 that need to be discussed?

15 VICE CHAIRPERSON RENSRAW: Can we run over
16 all of these conditions and have --

17 CHAIRPERSON GRIFFIS: I thought we
18 steamrolled over them.

19 VICE CHAIRPERSON RENSRAW: Well, no, I
20 think that they need to be very clear.

21 CHAIRPERSON GRIFFIS: I think we should run
22 them down so that people know what they are about to
23 vote on, and I will look to everybody to participate,
24 but let me run down what I have.

25 There is a time limit of 3 years; that the

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1 enrollment is defined as on-site population of 23
2 students; that there is a staff cap of four full-time
3 and two part-time employees; the day care center will
4 be in operation from 9:00 until --

5 VICE CHAIRPERSON RENSHAW: Twelve.

6 CHAIRPERSON GRIFFIS: -- 12 o'clock. There
7 will be a limit of three events per year, and those
8 events are to be advertised and notified to the
9 adjacent neighbors on the block and the ANC in some
10 fashion of writing.

11 That the special events would not begin
12 before 9:00 o'clock, and occur during the hours of
13 operation of the day care center. That there be
14 adopted a traffic plan as noted in our deliberation,
15 but clearly it goes to allowing only three stacked
16 cars for dropping and picking up.

17 There would be a staff member directing
18 that traffic and also notification to the parents of
19 the proper and safe drop-off and pick-up procedures
20 would be given to them.

21 VICE CHAIRPERSON RENSHAW: And the parking,
22 the parking spots.

23 CHAIRPERSON GRIFFIS: Parking we don't have
24 a condition. There was a direction that we indicated
25 that they might pursue, and it would be advantageous

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1 for the applicant to pursue providing additional
2 parking for their employees.

3 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I
4 am in agreement with the three years and the
5 continuation of the school. I still have problems
6 with the enrollment, because I don't see that we are
7 relieving the traffic problems in the neighborhood.

8 CHAIRPERSON GRIFFIS: Okay.

9 VICE CHAIRPERSON RENSHAW: And I am
10 concerned about that because the regulations are
11 specific. No objectionable traffic conditions, and
12 according to the Hurst Terrace residents there are
13 objectionable traffic conditions, with now 18 cars
14 coming in the morning and 21 at noontime to pick up
15 those children.

16 There could be 23 cars coming into the
17 neighborhood, who knows, with a daily enrollment of 23
18 students. I think that is too many for the
19 neighborhood. This is a small street, a narrow
20 street, and it is not on a main thoroughfare, even
21 though the street is being used for cut-through
22 traffic.

23 But again those 23 -- there are 18 cars in
24 the morning, and the 21 cars at noontime are causing a
25 problem. And we are passing on this application with

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1 the self-same numbers.

2 CHAIRPERSON GRIFFIS: Okay. I am very
3 clear on your position, Ms. Renshaw. Other board
4 members, do you have questions for Ms. Renshaw, and do
5 you have an understanding of her position?

6 MEMBER ZAIDAIN: I understand. Mr. Chair,
7 I understand Ms. Renshaw's point, but we heard have
8 testimony from professional engineer that we accepted
9 as an expert witness, who had suggested a parking plan
10 to mitigate these traffic impacts which are existing
11 now.

12 VICE CHAIRPERSON RENSHAW: And we don't
13 know whether this is going to work.

14 CHAIRPERSON GRIFFIS: Well, which goes to
15 the time limit.

16 MEMBER ZAIDAIN: That's like that for us in
17 every case.

18 VICE CHAIRPERSON RENSHAW: Yes.

19 MEMBER ZAIDAIN: Which goes to the time
20 frame. We have implemented these as best we can, and
21 we have explored other avenues, and so personally my
22 position is that I think we have done all we can to
23 ensure that there is no objectionable traffic impacts.
24 And hence the time frame, and if it doesn't work, then
25 they come back.

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1 VICE CHAIRPERSON RENSHAW: Well, I also
2 want to point out that this 3 events, it should be
3 stipulated in our condition that that includes any
4 open house events.

5 MEMBER ZAIDAIN: That's fine with me.

6 VICE CHAIRPERSON RENSHAW: Three events.

7 CHAIRPERSON GRIFFIS: Very well. Other
8 deliberation points? If not, I would ask for all
9 those in favor signify by saying aye.

10 (Ayes.)

11 CHAIRPERSON GRIFFIS: And opposed?

12 VICE CHAIRPERSON RENSHAW: I am voting yes
13 for part of it, and no on the other part, and so I am
14 bifurcating my vote.

15 CHAIRPERSON GRIFFIS: Oh, my, I'm not sure
16 how we record that.

17 VICE CHAIRPERSON RENSHAW: I don't know.
18 Leave it up to staff. But I am voting for the
19 continuation of the school for 3 years, and the three
20 events, to include open houses.

21 CHAIRPERSON GRIFFIS: Very well. Perhaps
22 you want in favor with a hesitation.

23 VICE CHAIRPERSON RENSHAW: Well, I am not
24 voting for the daily enrollment, because I feel that
25 that is too much of an impact on the neighbors, and

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1 the neighbors have said that, and they wanted relief,
2 and I had wished that they would get relief here.

3 CHAIRPERSON GRIFFIS: Very well said.
4 However, it is an affirmative vote, and the motion
5 does contain that just to be absolutely clear. But I
6 think it will be noted clearly for the record your
7 position on the enrollment and concerns.

8 VICE CHAIRPERSON RENSCHAW: My grave
9 reservations.

10 CHAIRPERSON GRIFFIS: And in three years,
11 you may be proven right, and you may be proven wrong.
12 Hopefully we will all be around to see it. Very
13 well. Then I thank all of you for that. Why don't we
14 record the vote.

15 MR. MOY: Yes, sir. The staff would record
16 the vote on the motion of the Chair, and seconded by
17 Mrs. Renschaw, and the vote is recorded as 4-0-1, Carol
18 Mitten not present, and not voting. And note for the
19 record that Ms. Renschaw, with reservations about the
20 condition of the daily enrollment.

21 VICE CHAIRPERSON RENSCHAW: As being too
22 great.

23 MR. MOY: As 4-0-1.

24 CHAIRPERSON GRIFFIS: Correct.

25 MR. MOY: And also per the conditions that

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1 the Chair articulated earlier.

2 CHAIRPERSON GRIFFIS: Excellent. Thank you
3 very much. With that, I can adjourn the Special
4 Public Meeting for the 12th of November.

5 (Whereupon, at 10:28 a.m., the public
6 meeting was concluded.)

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