

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :  
 :  
Office of Planning : Case No.  
Text Amendments, Daytime Care : 17-20  
Use, Subtitles B, U, and K :  
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Thursday,  
February 8, 2018

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 17-20 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development

Review & Historic Preservation

MAXINE BROWN-ROBERTS

ANNE FOTHERGILL

The transcript constitutes the minutes from  
the Public Hearing held on February 8, 2018.

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

2 6:32 p.m.

3 CHAIRMAN HOOD: All right, good evening. This,  
4 we have two hearings tonight, and I want to call both of them  
5 at the same time, but we're going to hear the first one in  
6 the order in which I call them. Good evening, ladies and  
7 gentlemen. This is a public hearing of the Zoning Commission  
8 for the District of Columbia.

9 Today's date is February 8th, 2018. My name is  
10 Anthony Hood joined by Vice Chair Miller, Commissioner  
11 Turnbull, Commissioner Shapiro, and Commissioner May, Office  
12 of Zoning Staff Ms. Sharon Schellin, as well as the Office  
13 of Planning Staff, Ms. Steingasser, Ms. Brown-Roberts, and  
14 Ms. Fothergill.

15 This proceeding is being recorded by a court  
16 reporter and it's also webcast live. Accordingly, we must  
17 ask you to refrain from any disruptive noise or actions in  
18 the hearing room, including displaying any signs or objects.

19 Notice of today's hearing as published in the DC  
20 Register. Copies of that announcement are available to my  
21 left, or the wall near the door.

22 I think, I want to make sure I'm clear that I'm  
23 calling, I'm reading this one time for Case number 17-20 and  
24 17-24. We're going to hear 17-20 first and then 17-24  
25 second. Is that correct, Ms. Schellin?

1 (No audible response.)

2 CHAIRMAN HOOD: The hearing will be conducted in  
3 accordance with the provisions of 11 DCMR Chapter 5 as  
4 follows. Preliminary matters, presentation of the  
5 petitioner, in this case the Office of Planning, report of  
6 other government agencies, report of the ANC, organizations  
7 and persons in support, organizations and persons in  
8 opposition, organizations and persons undeclared.

9 The following time constraints will be maintained  
10 in both of the hearings. Petitioner, which is Office of  
11 Planning, has up to 60 minutes. I don't think we're going  
12 to need 60 minutes on either one. Organizations, five  
13 minutes and individuals, three minutes.

14 All persons wishing to testify before the  
15 Commission in this evening's hearing I ask to register at the  
16 witness kiosk to my left and fill out the witness cards, the  
17 two witness cards.

18 If you need assistance, you can see Ms. Schellin  
19 who is sitting to my left, and she can help you with the  
20 kiosk. Ms. Schellin, is the kiosk working this evening?

21 MS. SCHELLIN: Yes.

22 CHAIRMAN HOOD: Okay. The staff will be available  
23 throughout the hearing to discuss procedural questions.  
24 Please turn off all electronic devices at this time so as not  
25 to disrupt these proceedings.

1           At this time, the Commission will consider any  
2 preliminary matters. Does the Staff have any preliminary  
3 matters?

4           MS. SCHELLIN: No.

5           CHAIRMAN HOOD: Okay. Again, the first case is  
6 going to be 17-20. This is the Office of Planning Text  
7 Amendment regarding Child Development Centers. Let's go  
8 straight into it, Ms. Brown-Roberts.

9           MS. BROWN-ROBERTS: Thank you, Mr. Chairman. Good  
10 evening to you and to Members of the Commission. For the  
11 record, I'm Maxine Brown-Roberts from the Office of Planning.

12           Last year, you approved amendments regarding the  
13 child development homes and extended child development homes  
14 which were outlined and had a pressing need that existed for  
15 child facilities in the District.

16           This need persists, and the Mayor and City Council  
17 has set aside monies to increase new infant and toddler slots  
18 for approximately 300 infants per year starting in 2018. To  
19 this end, OSSE and DCRA approached OP to examine some of the  
20 changes made during the transition to ZR-16, as regulations  
21 were made more restrictive.

22           OSSE requested that the regulation reflect current  
23 standards for establishing new or expanding child development  
24 centers. To meet this mandate, it also requested that  
25 regulations governing daytime care be amended to allow child

1 development centers by special exception in low-density  
2 residential zones with no pre-established limitation on the  
3 number of persons, and as a matter of right, in high-density  
4 residential, mixed use, and other zones.

5 In summary, the proposal before you this evening  
6 is an amendment to the description of the daytime care use  
7 category which is outlined in Subtitle B, Section 200, then  
8 amendment to the use provision of the RF zone.

9 And that portion of the RF zone only applies to  
10 care which would be in churches and in regard to the parking.  
11 That is already covered under OSSE's regulation, and  
12 therefore we thought that that had to be removed as there  
13 were some conflicts there.

14 In addition to that, the use provisions in the RA  
15 and the MU zones, and the WR zones were also amended to make  
16 daytime care use as a matter of right. At the set down, the  
17 Zoning Commission asked for clarification zones by the  
18 daytime use will be permitted by special exception.

19 The proposal is to allow daytime care by special  
20 exception in the R and RF zones, and as a matter of right  
21 beginning in the RA zones. Second, there were concerns  
22 regarding the impact on parking and drop-off.

23 In consultation with DCRA, the centers will  
24 continue to be required to demonstrate to DDOT and DCRA that  
25 their parking requirements are being met, and which and where

1 drop-off and pickup will be provided. These will be  
2 evaluated at that time along with all the public space  
3 issues.

4 Providers also express that many parents prefer  
5 to have centers which are close to their home, and many walk  
6 children to the facilities or use public transportation.  
7 Many of the providers also expressed to us that they have  
8 areas where parents who come with strollers can leave the  
9 strollers there and continue on to work. So they try to make  
10 and accommodate the parents as best as possible.

11 At set down, the Zoning Commission also stressed  
12 the need for community outreach prior to the public hearing.  
13 The proposed amendments have been featured in two online  
14 newsletters, and OP has also met with some providers.

15 OSSE undertook the public outreach, and we have  
16 Ms. Eva Laguerre here tonight who will address some of the  
17 issues providers face in their public outreach. Thank you,  
18 Mr. Chairman, and I'm available for any questions.

19 CHAIRMAN HOOD: Okay. Thank you, Ms. Brown-  
20 Roberts. Let's see if we have any follow-up questions,  
21 comments up here. Okay. Commissioner May?

22 COMMISSIONER MAY: I just have one quick question.  
23 I mean, this is, what you're proposing now is identical to  
24 what you would have proposed at set down, or did anything  
25 change because it was kind of I was trying to track it



1 against the chart you had given us, and I couldn't really see  
2 anything different.

3 MS. BROWN-ROBERTS: Yes, I think it was basically  
4 the same.

5 COMMISSIONER MAY: Basically the same?

6 MS. BROWN-ROBERTS: Yes, right, the same areas.  
7 Yes.

8 COMMISSIONER MAY: Okay. Thank you very much.

9 CHAIRMAN HOOD: Any other questions, comments?  
10 Okay, not seeing any. Do we have any other government  
11 agencies that want to respond? Do we have a list, Ms.  
12 Schellin?

13 MS. SCHELLIN: Yes.

14 CHAIRMAN HOOD: Okay. All right. Okay. The  
15 representative from OSSE, if you can come forward. Okay.  
16 Let's just hear from the representative first, and then I'll  
17 call everybody else up. Okay, are you Ms. Eva Laguerre? I'm  
18 sorry, I didn't want to mess your name up. Ms. Laguerre,  
19 could you turn your mic on and introduce yourself? And you  
20 may begin.

21 MS. LAGUERRE: I'm Eva Laguerre from the Office  
22 of the State Superintendent of Education. I'm the Director  
23 of Licensing and Compliance. Thank you for the opportunity  
24 to provide testimony regarding the Office of Planning's  
25 request for text amendments to the District Zoning

1 regulations.

2           These amendments are necessary to ensure that the  
3 District is able to meet the growing demand for childcare  
4 across our great city. We also believe that these text  
5 amendments will help increase access to high quality  
6 childcare.

7           We are concerned that without these changes, it  
8 will be difficult for child development providers to sustain  
9 and grow their business, leaving families in the District  
10 without access to high quality childcare.

11           Therefore, we ask the Zoning Commission to adopt  
12 the proposed text amendment changes that can expand daytime  
13 care use as a matter of right instead of a special exception,  
14 remove preestablished caps on the number of children, and  
15 eliminate the requirement that play areas must be located on  
16 the same premises as the facility.

17           The current zoning regulations require providers  
18 to duplicate efforts in order to meet the requirements of  
19 multiple agencies and codes. This is not an efficient  
20 process for these businesses and it also makes it difficult  
21 for families to access the care they need.

22           The proposed text amendment seeks to remove the  
23 limitations on the number of children a provider can serve  
24 which helps to incentivize the expansion of child development  
25 facilities.

1 OSSE supports removing these current limitations  
2 that will impact negatively the Mayor's current investments  
3 to expand seats for infants and toddlers. Additionally, the  
4 proposed text amendments will address the very real concerns  
5 from child development operators and owners regarding the  
6 process to obtain a certificate of occupancy, which is  
7 required to receive a child development license, a child  
8 development facility license from OSSE.

9 It is important to note that the licensed capacity  
10 of a facility is already regulated by the District of  
11 Columbia construction codes, supplement of 2013 at OSSE's  
12 child development facilities licensing regulations.

13 The construction codes establish the maximum  
14 allowable occupant load for a child development center which  
15 is based on the ages of the children and the size of the  
16 space, and the number of exits. OSSE's child development  
17 facility licensing regulations Section 5A Chapter 1 of DCMR  
18 limit the number of children based on their ages and the size  
19 of the space.

20 Another important point to note here is that we  
21 found in our 2016 study modeling the cost of care in the  
22 District of Columbia, the report concluded that most child  
23 development facilities in our City operate on very small  
24 margins, and maintaining enrollment is one of the most  
25 important factors to a facility's financial sustainability.

1           Every day that a child development facility sits  
2 empty because they cannot open their doors, their bottom line  
3 moves closer to negative which decreases District's families'  
4 ability to go to work due to the lack of available care.

5           Currently, DC has enough space in its licensed  
6 child development facilities to serve approximately one third  
7 of the city's infants and toddlers. To address this pressing  
8 issue, Mayor Bowser included \$9 million in her fiscal year  
9 2018 budget to increase high quality infant and toddler seats  
10 for DC residents.

11           These funds establish the access to quality  
12 childcare expansion grant which is designed to increase the  
13 supply of childcare services in the District by adding a  
14 total of 1,000 new infant and toddler slots by September  
15 2020.

16           By supporting these proposed amendments, the  
17 Zoning Commission will help expedite the process for  
18 increasing slots in licensed childcare facilities, which  
19 addresses concerns commonly raised by parents in all eight  
20 wards.

21           OSSE has engaged ANCs about the proposed text  
22 amendments. Over the last six weeks, Elizabeth Groginsky,  
23 Assistant Superintendent of Early Learning at OSSE and I  
24 participated in nine ANC meetings across six different wards  
25 to present the proposed amendment.

1           We reached out and connected with nearly half the  
2 ANCs across all eight wards to discuss this matter, and  
3 received overwhelming support from a majority of community  
4 leaders we spoke with.

5           As we met with community leaders across the City,  
6 it was clear that adopting the proposed text amendments will  
7 have a significant positive impact on our providers,  
8 communities, families, and children.

9           In conclusion, we are grateful for your attention  
10 to this important topic, and we thank all of the  
11 organizations and individuals who will provide testimony in  
12 this matter. We are pleased to work with such strong and  
13 dedicated partners to provide District families safe,  
14 nurturing, and supportive childcare and early learning  
15 opportunities to our youngest residents.

16           CHAIRMAN HOOD: Okay. Thank you very much,  
17 Director. We appreciate your testimony, and we also  
18 appreciate your work because when I look at the record, I'm  
19 not sure what the audience is about. But when I look at the  
20 record, it's nothing but support here.

21           And I think that goes a long way with how you all  
22 got the message out of what you're trying to untangle some  
23 of the regulations that I guess the City had put in place.  
24 So I want to commend you and whoever else went out with you  
25 to do that because I do see nothing but support. It remains

1 to be seen who's in the audience, but we'll keep it moving.

2 Okay. Let me open up, any questions or comments?  
3 Vice Chair? Then I'll come to you, Commissioner May.

4 VICE CHAIR MILLER: Thank you, Mr. Chairman and  
5 thank you Ms. Laguerre for your testimony and for this  
6 initiative by the executive to increase child development  
7 centers, facilities in the District of Columbia. It's a real  
8 need. And I appreciate the community engagement and outreach  
9 that you did.

10 So, since we are, since the proposal does change  
11 some of the higher density zones from special exception to  
12 a matter of right process, does your child development  
13 licensing process involve some kind of outreach to ANCs so  
14 that they're aware that, the affected ANC in the particular  
15 neighborhoods are aware of a proposed facility coming in  
16 since they won't be coming before the BZA under this proposal  
17 anymore?

18 MS. LAGUERRE: Currently, no. Our licensing  
19 regulations don't cross any ANC or community outreach --

20 VICE CHAIR MILLER: Is there any way you can  
21 include a notification procedure in there just so the  
22 neighborhood's aware? We had one, ANC 2D I think that asked  
23 for some involvement in the matter of right process. They  
24 said they were supportive, and I'm supportive.

25 But I don't know if there's a way you can include

1 --

2 (Off microphone comments.)

3 VICE CHAIR MILLER: Oh.

4 MS. BROWN-ROBERTS: Yes. That's something I spoke  
5 to DCRA about. And I was told that they have a notification  
6 that goes out to the ANCs every month, and that it will be  
7 added to that notice.

8 VICE CHAIR MILLER: Okay. That answers my  
9 question. Thank you very much.

10 MS. LAGUERRE: Thank you.

11 CHAIRMAN HOOD: It's part of the ANC Act as well.

12 So I think they do get some notification. I just didn't know  
13 how to get here. So I think we're covered with that.  
14 Commissioner May?

15 COMMISSIONER MAY: Yes, I just want to say I  
16 appreciate the outreach that has been done, and having your  
17 report on what outreach was done because I had concerns when  
18 this was first sat down about certain neighborhoods having  
19 concerns about, you know, some of the impacts that might be  
20 associated with a childcare center like, you know, cars doing  
21 drop-offs and things like that because that's sometimes been  
22 contentious in the past. So I appreciate all the outreach.  
23 Thank you very much.

24 CHAIRMAN HOOD: Commissioner Shapiro?

25 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I

1 join with my colleagues, and I just want to share my  
2 appreciation for all the work that you've done. I just have  
3 a question about a comment that you had in your testimony.  
4 It's here in front of me so I just want to, I'm curious.

5 But you said that there are currently enough spots  
6 to serve one third of the City's infants and toddlers. So  
7 that's the number of spots versus the number of infants and  
8 toddlers. How does that relate to the need that's being met?

9 MS. LAGUERRE: So, one third of the slots to  
10 accommodate infants and toddlers. We are --

11 COMMISSIONER SHAPIRO: But not every infant and  
12 toddler is looking for --

13 MS. LAGUERRE: Looking for care, exactly.

14 COMMISSIONER SHAPIRO: -- care. So how do you  
15 sort of gauge that?

16 MS. LAGUERRE: So we are at the tail end of a  
17 study that is going on in the District about, it's a need  
18 assessment for child development, or child care, period, in  
19 the City from age zero to five.

20 And so we haven't released the numbers yet. But  
21 that's roughly what it's been in other reports that have  
22 happened in the past. And it remains to be that.

23 COMMISSIONER SHAPIRO: Okay, thank you. Thank  
24 you, Mr. Chair.

25 CHAIRMAN HOOD: Anybody else? Mr. Turnbull?



1           COMMISSIONER TURNBULL: Yes, thank you. Ms.  
2 Laguerre, how long does it take an applicant coming before  
3 you to get a license? How long, what's the process?

4           MS. LAGUERRE: It is a very varied process. So,  
5 I mean, the process isn't varied, but the experience will be  
6 different based on what the provider is coming to get.

7           So a home provider may come, they may have no  
8 neighborhood issues and have the perfect home that has no  
9 deficiencies or no things that need to be fixed.

10           And depending on how quickly they can get a home  
11 occupancy permit from DCRA, and fire inspection, and then  
12 their clean hands and all the things they have to do outside  
13 of OSSE, once they bring the application, we make an  
14 appointment within ten days to visit.

15           If they're available, we can do that. I have  
16 gotten people through the process in as little as a month.  
17 It just depends on all the external things that you have to  
18 do prior to coming to OSSE for a license.

19           COMMISSIONER TURNBULL: Okay. Yes, I know. At  
20 the Board of Zoning adjustment, when we've had daycares, I  
21 mean, depending upon the inspection and what the repairs that  
22 have to be done, sometimes it can take a while.

23           MS. LAGUERRE: It's also the reason why we're here  
24 and we are working so hard towards changing this is because  
25 we had one provider, or several providers but one that sticks

1 in my head because of the amount of money that was put out  
2 prior to being able to open the facility spent a year trying  
3 to work through zoning, DCRA, and then she had to come to the  
4 BZA, and spent over \$75,000 in rent because you have to get  
5 a lease for the building before you can even start any of the  
6 process.

7 So they can spend, I've seen people spend a year,  
8 people with bad contractors have spent up to three years  
9 trying to get through, before they even get to us. And they  
10 come to us in tears basically like we have to get this done.

11 And so when I started this job, I think three and  
12 a half years ago, I made it my first point to try to get  
13 partnerships. And so that's how we got partnerships with  
14 DCRA. And so we worked more closely together so when people  
15 get stuck in the process, we can work together as sister  
16 agencies to expedite and get people through the sticking  
17 points.

18 COMMISSIONER TURNBULL: Yes. Okay, well thank  
19 you. Hopefully we can speed things up a bit. Thank you.

20 CHAIRMAN HOOD: Any other comments or questions  
21 up here? Okay, Director, we thank you very much. We  
22 appreciate you coming down and providing insight for us.

23 MS. LAGUERRE: Thank you.

24 CHAIRMAN HOOD: Okay. Any ANCs, come forward.  
25 Do we have any other ANC's that would like to speak on the

1 topic? Okay.

2 MR. JAYARAMAN: May I distribute these letters --  
3 (Simultaneous speaking.)

4 CHAIRMAN HOOD: Sure. You can just hand them to  
5 Ms. Schellin and she'll pass them out. And you can have a  
6 seat, identify yourself, and you may begin.

7 MR. JAYARAMAN: Good evening, Members of the  
8 Board. My name is Chander Jayaraman. I currently serve as  
9 Vice Chair of ANC 6B. Due to technical difficulties, we  
10 didn't have a chance to submit this electronically and  
11 sooner.

12 And so I'm here today on behalf, representing ANC  
13 6B. And essentially I'm going to read this letter and then  
14 speak a little bit about the reasonings of our statements in  
15 the letter.

16 At its regularly scheduled, properly noticed  
17 meeting on January 9th, 2018 with a quorum present, Advisory  
18 Neighborhood Commission 6B voted 8-0-0 in support of the  
19 proposed text amendments, but voted to request that the text  
20 amendments be limited to child development centers.

21 We further recommend that Subtitle U Section  
22 301.1m which limits by right to no more than 16 occupants be  
23 removed to be consistent with other zones, and that the  
24 changes not apply to adult day treatment facilities.

25 ANC 6B is primarily composed of RF, RA, and MU

1 zones with small segments of PDR and NC zones. The  
2 Commission recognizes the need for more childcare options  
3 within ANC 6B and supports the purpose and intent of the text  
4 amendments.

5 The Commission also concurs with the comments from  
6 members of the Zoning Commission that the changes may have  
7 broad reaching effects on residents within mixed use zones,  
8 and areas of 6B where MU zones abut residential zones.

9 Finally, the Commission authorized the chair of  
10 ANC 6B to designate a representative to be here before the  
11 board, which is me, on behalf of ANC 6B and address any  
12 outstanding questions in regards to the above referenced  
13 case.

14 Please contact Commissioner Nick Burger, ANC 6B's  
15 Planning and Zoning Committee Chair at the email and phone  
16 number provided if you have questions or need further  
17 information. Sincerely, Daniel Ridge, Chair of ANC 6B.

18 I would be pleased to answer any questions that  
19 the Board has.

20 CHAIRMAN HOOD: Okay, Commissioner, we greatly  
21 appreciate it. Let's see if we have any questions or  
22 comments up here. Not seeing any. Thank you very much.  
23 Appreciate it.

24 All right. We also had letters from the ANC 2D,  
25 and I think the Vice Chair spoke to some of those concerns,

1 we ironed those out. Also ANC 6E in support, and we've heard  
2 the comments from the Commissioner from ANC 6B.

3 So we want to thank all our front line, grassroots  
4 workers for making sure that they weighed in as well.

5 Let's go to the persons who are in support. Let's  
6 go to Robert Gundling. Hopefully I pronounced that  
7 correctly. If not, you can correct me when you come up. I  
8 think I know this next name, Carrie Thornhill. Is there  
9 anyone else who's here? You can come forward at this time.  
10 Anyone else who wants to testify in support, you can come  
11 forward at this time.

12 Let me ask, is there anyone here in opposition?  
13 Okay. You can come forward at this time. So we got support  
14 to my left, and I'm going to ask the gentleman who's in  
15 opposition to sit to my right. Anybody else who's here in  
16 opposition?

17 Is there anyone here who works for OSSE? I'm just  
18 trying to figure out who everybody is in the audience, who  
19 they are.

20 (Off microphone comments.)

21 CHAIRMAN HOOD: I'm sorry?

22 (Off microphone comments.)

23 CHAIRMAN HOOD: Far left from OSSE? Okay, well  
24 I know some people. All right. All right, so you're in  
25 opposition, right?

1 (Off microphone comments.)

2 CHAIRMAN HOOD: Is there anybody here in  
3 opposition? I thought you stood up when I said opposition.  
4 I'm going to just tell you --

5 (Simultaneous speaking.)

6 CHAIRMAN HOOD: Okay. I'm going to just tell you,  
7 you made me real nervous. I said here we go. All right, so  
8 we're going to start with Ms. Thornhill, and then we're going  
9 to go on down to my left. From my right to your left. Ms.  
10 Thornhill, if you could start us off. Oh, did you want to  
11 end it?

12 (Off microphone comments.)

13 CHAIRMAN HOOD: You've been working so hard, I'll  
14 let you come down and choose whichever one you want. You  
15 want to start us off or you want to end it?

16 MS. THORNHILL: I'm happy to begin.

17 CHAIRMAN HOOD: Okay.

18 MS. THORNHILL: Good evening Commissioners Hood,  
19 Miller, Shapiro, Turnbull, May, ZC Staff, Office of Planning,  
20 and the other representatives of the government and the  
21 community at large.

22 I am Carrie L. Thornhill, a lifetime resident of  
23 this great City, a community developer, and retired non-  
24 profit executive. I am President of the DC Early Learning  
25 Collaborative.

1           In a few remarks, I want to do three things, let  
2 you know that we support the proposed text amendment proposed  
3 by the office of planning, I want to give you a bit of  
4 background on our organization as part of the basis of why  
5 we support the amendment, and third, I want to impress upon  
6 you the importance of your approval of this text amendment  
7 as expeditiously as possible.

8           I am pleased to be a witness before the Zoning  
9 Commission and speak in support of Case number 17-20, Child  
10 Development Centers, on behalf of the DC Early Learning  
11 Collaborative.

12           We are a multi-sector advocacy alliance of over  
13 100 early childhood educators and organizations who practice  
14 the craft of early care and education in traditional and  
15 public charter schools, center based, and home based early  
16 childhood settings, as well as Head Start programs.

17           The Collaborative seeks to build public knowledge,  
18 public will, and public action toward ensuring that every  
19 child in the District of Columbia from infancy through school  
20 entry has access to high quality, affordable early childhood  
21 programs.

22           Our collaborative is an outgrowth of the Pre-K for  
23 All DC organization which work closely with then City Council  
24 Chairman Vincent Gray to lead the citywide public awareness  
25 and community mobilization campaign that resulted in the

1 City's nationally recognized legislation, the DC Pre-  
2 Kindergarten Expansion and Enhancement Act of 2008, and the  
3 subsequent amendments of 2009 and 2010.

4 The Collaborative's theory of change is simply  
5 that high quality early childhood programs for children from  
6 infancy through school entry serve as the foundation and  
7 building block for the District's pre-K through 12 school  
8 reform efforts, the City's workforce development initiatives,  
9 and the City's long term economic vitality.

10 In our current iteration, the Collaborative serves  
11 as a guardian of the purposes and vision inherent in the pre-  
12 K legislation and an advocate for the full implementation of  
13 the law with fidelity as well as supporting infants and  
14 toddlers.

15 We are at a very pivotal time in the long and  
16 successful history of early learning and early childhood  
17 development in this City. We have universal pre-K for three  
18 and four year olds in the City, an unprecedented achievement.  
19 We lead the nation.

20 Our Mayor just announced a major investment of \$9  
21 million new dollars to increase the supply of high quality  
22 infant and toddler's slots across the city, an investment I  
23 will add that will be matched dollar for dollar by the Low  
24 Income Investment Fund which will provide loans and technical  
25 assistance to our early learning providers, including help



1 with complex zoning issues.

2 We have major legislation moving through the City  
3 Council to enhance public investments in infant and toddlers,  
4 including subsidy rates for providers, credentialing and  
5 compensation of early learning workforce.

6 In this context, we are only able to serve one  
7 third of the little ones zero to three. You play a critical  
8 role in helping us to grow our facilities so we can increase  
9 the number of high quality early learning programs in the  
10 City to respond to the unmet need.

11 We encourage you to utilize the Bainum Family  
12 Foundation's recently completed supply and demand study  
13 conducted by the National Reinvestment Fund to support your  
14 decision making. We encourage you to improve this child  
15 development center text amendment to support our expansion  
16 efforts as soon as possible.

17 We publically want to thank Maxine Brown-Roberts  
18 of the Office of Planning for assisting some of our affected  
19 members in understanding the amendments. We want to thank  
20 you for this opportunity to speak, and will be happy to  
21 answer any questions you may have. Thank you.

22 CHAIRMAN HOOD: Thank you. Next?

23 MR. GUNDLING: Good evening, Members.

24 CHAIRMAN HOOD: See if you can get a mic pulled  
25 in -- there you go.

1 MR. GUNDLING: Good evening, Members of the Zoning  
2 Commission. My name is Dr. Robert Gundling, and I'm the  
3 President of the District of Columbia Association for the  
4 Education of Young Children.

5 DCAEYC is the local affiliate of the National  
6 Association for the Education of Young Children, the premier  
7 leadership and advocacy organization for children birth to  
8 eight with over 60,000 members.

9 In addition, DCAEYC is one of the member  
10 organizations of the DC Early Learning Collaborative. The  
11 DC affiliate represents slightly more than 500 members  
12 representing the broad range of roles and responsibilities  
13 in the field of early care and education.

14 Our mission is to promote high quality learning  
15 for all children birth through eight by connecting research  
16 policy and practice. We promote a diverse dynamic field of  
17 practice, and we support and advocate all for all who care  
18 for, educate, and work on behalf of young children in the  
19 District of Columbia.

20 We support the proposed text amendments to  
21 subtitles B, U, and K regarding the daytime care use category  
22 to address the need to establish and expand child development  
23 centers.

24 We want to thank the staff at the Office of  
25 Planning and the Office of the State Superintendent of

1 Education for their work to send a report to you to expand  
2 daytime care uses as a matter of right with no preestablished  
3 limitations on number of persons in high density residential,  
4 mixed use, and other zoned districts.

5 Some of the members of DCAEYC are owners and  
6 administrators of early childhood education centers in the  
7 City. The current regulations would have significant impact  
8 on their ability to renovate centers, to increase their  
9 license capacity.

10 For example, a center with a license capacity  
11 determined by OSSE to be 100 children interested in  
12 completing renovation or expansion of their facility would  
13 only be able to have five children under the current  
14 regulations.

15 Obviously, this would have a significant negative  
16 impact on their ability to sustain their business. The end  
17 result would be that this center would not be able to grow  
18 the business in response to the demand for their services.

19 According to the Office of Planning, the  
20 District's growing population of families with young children  
21 requires expansion of the number of early childhood centers.  
22 In addition, the recent announcement by the Mayor of the Low  
23 Income Fund will administer grants to childcare providers,  
24 provide the one dollar to one dollar match in capital loans  
25 to help create an estimated 100 to 200 additional childcare

1 seats.

2 In order to create these slots, owners of early  
3 childhood centers will need to serve more than five children.

4 With regard to parking that's needed by centers,  
5 most if not all families do not drop off and pick up their  
6 children at the same time. Normally, families are dropping  
7 off and picking up children for about two hours in the  
8 morning and two hours in the afternoon.

9 The family spends no more than 15 minutes at the  
10 center. For some of the centers in new buildings, a drop off  
11 and pick up area is established in the garage near the  
12 center.

13 The families are able to park in this area for up  
14 to 15 minutes, and the result is there's little to no impact  
15 on the residents in the immediate area.

16 Thank you for the opportunity to testify this  
17 evening, and I would be glad to respond to any questions you  
18 have.

19 CHAIRMAN HOOD: Okay, thank you. Next? Turn your  
20 mic on. There we go, yes.

21 MS. NELSON: Okay. Good evening, Zoning  
22 Commissioner and everyone in attendance. My name is  
23 Cassandra Nelson, and I am a provider of quality childcare  
24 in the District. And I am here to give you my first-hand  
25 experience about the state of childcare in the District of

1 Columbia.

2 I've been in the childcare business for over 30  
3 years, first operating in Prince George's County, Maryland,  
4 and covering the whole gamut of childcare from infants to all  
5 the way up to third grade.

6 And you know, I come into the District, I've  
7 always wanted to get into the District because I've heard  
8 that there was a need. And truly, upon coming to the  
9 District to do childcare, I find that there is a serious  
10 need.

11 There is a serious shortage of supply of childcare  
12 in the District. When we opened our first center in the  
13 Northeast quadrant of the city, before we even opened the  
14 doors, the center was full. There was a huge demand.

15 I mean, we get calls every day, people begging,  
16 begging, sometimes even crying for childcare, which prompted  
17 me to go out and open another childcare, to find a location  
18 because staff begged me to open another childcare center  
19 because families were just calling and calling and needing  
20 childcare.

21 And this was really literally affecting staff  
22 because their compassion for people, you know, prompted them  
23 to say we need to open another childcare center. So we found  
24 the first space available which was at 8th and A Street, two  
25 blocks from the first location that we opened.

1           That experience was a nightmare. And you know,  
2           considering, I can't understand it considering the state of  
3           the need in the City why the regulations would be changed to  
4           make that situation even more dire because that's what it has  
5           done.

6           My experience with the second location, I got  
7           caught right in the middle of the laws changing, the  
8           regulations changing. I began negotiating the lease to  
9           operate the childcare center on 8th Street about July of  
10          2016.

11          At that time, the regulation was wide open. I  
12          mean, you could allow any number of children, as long as the  
13          health and fire regulations allowed, and the space allowed.

14          So somewhere in between my negotiation of the  
15          lease, and I did make a trip to DCRA to tell them exactly  
16          what I was doing, and you know, indicated the number of  
17          children, proposed children that we wanted for the center.

18          And at that time, they said it was okay. Okay.  
19          Then I went on to proceed to get investments to open the  
20          center. We did a complete renovation. The space was bare.  
21          So we did a complete renovation. We invested all of our  
22          money.

23          And by the time that it was over and ready to  
24          open, we were told by DCRA that we can only accommodate 20  
25          children. And that was devastating because first of all, we

1 had been approved already for 60 children.

2 We had been given a permit, a building permit to  
3 renovate the space to accommodate 60 children. And to be  
4 told all of a sudden that we could only accommodate 20  
5 children was just, you know, just devastating.

6 So we had to, you know, I have been fighting this  
7 issue for quite some time now going back and forth. I've  
8 been issued several temporary C of O's until we can get this  
9 matter resolved.

10 So I am here tonight to tell you that from the  
11 perspective of someone who is right there and experiencing  
12 this first-hand, that the amendments need to be made because  
13 it is creating, it's making a bad situation worse. And I ask  
14 that you would please consider amending that.

15 And also I would like to propose that we also  
16 include subtitle H in that amendment because that's exactly  
17 where we're located in subtitle H. And it doesn't make any  
18 sense to me because, and another thing, too.

19 There are a lot of high-rise apartment buildings  
20 that have been erected along the A Street corridor. And I  
21 can't understand how we can attract, we can put something to  
22 attract so many young, childbearing people, families, but yet  
23 decrease the amount of childcare slots that, you know, that  
24 we can -- that the amount of childcare slots. That just  
25 doesn't make sense to me. I mean, I can't make any rational

1 reason why that is the case.

2 CHAIRMAN HOOD: Okay. Thank you very much. Next?

3 MR. ECHEVARRIA: Good evening. My name is Raul  
4 Echevarria, I'm Co-founder and President of Communikids  
5 Preschool located at 4719 Wisconsin Avenue Northwest. And  
6 I am here to testify in favor of the amendments to Subtitle  
7 B, U and K of Title 11 DCMR.

8 These are amendments that would expand daytime  
9 care use as a matter of right instead of special exception,  
10 remove preestablished caps on number of children at child  
11 development facilities, and eliminate the requirement for the  
12 location of play areas in certain areas.

13 Communikids was recently selected by the DC Office  
14 of the State Superintendent of Education to become a provider  
15 of free pre-kindergarten to three and four year old children  
16 in the District of Columbia, and we are very proud of our  
17 selection into a program that provides District families with  
18 affordable access to high quality early childhood education.

19 We believe that this is an initiative that is an  
20 important first step to help bring the cost of early  
21 childhood education under control. The high cost of early  
22 childhood education is a major national problem, and District  
23 families are under particular pressure.

24 As of 2016, DC families spent an average of  
25 \$22,658 per year on early childhood education services.



1 That's approximately 35 percent of median household income  
2 for on par for what many families pay for housing.

3 This cost puts high quality preschool out of the  
4 reach of most families. And the dearth of affordable early  
5 childhood education options has been a drag on the District  
6 of Columbia for decades.

7 As young families leave the City to find less  
8 expensive, higher quality educational options for their  
9 children, the City's tax base is eroding, and the overall  
10 competitiveness of the Capital is adversely impacted.

11 For this and other reasons, it is imperative that  
12 we do all we can to reduce the cost of early childhood  
13 education in the City. And in order to do that, it is  
14 important to understand the reasons why it is so expensive  
15 to educate a young child in the District.

16 While there are many factors that can affect the  
17 cost of service, it mainly boils down to supply and demand.  
18 In DC, there are simply not enough early childhood education  
19 seats to go down, and this scarcity leads to sky-high prices.

20 A study by the DC Appleseed Center for Law and  
21 Justice in 2015 found that there were 22,000 children under  
22 the age of three in the City, but only about 7,600 seats at  
23 licensed child development centers.

24 Lack of access to affordable space in the  
25 expansive and crowded District of Columbia market is one of

1 the main barriers to expansion that many child development  
2 centers such as ours face.

3 We believe that zoning regulations as they are  
4 currently written unduly burden the child development  
5 industry by requiring child development facilities in the  
6 impacted zones to go through the cumbersome, lengthy, and  
7 expansive process of the BZA.

8 And make no mistake, these delays and expenses  
9 have a significant impact on the bottom line of our centers  
10 and other centers across the City that limit the amount of  
11 investment providers can make in increasing the capacity of  
12 their facilities.

13 And without providers making these types of  
14 investments, the cost of early childhood education in our  
15 City will continue to rise, and families will continue to  
16 have trouble finding high quality early childhood education  
17 for their children.

18 So all I'm asking is that we make sure that the  
19 zoning regulations mesh with District policies that are  
20 making, providing access to high quality childcare a  
21 priority.

22 Indeed, just last week Mayor Bowser announced a  
23 \$5 million, \$9 million rather initiative to help add 1,000  
24 infant and toddler seats to the DC child development  
25 facilities by 2020.

1           Let's make sure that zoning regulations are in  
2 line with this most important goal. Let's amend the current  
3 regulations to remove requirements for location in play areas  
4 in RF zones, let's allow child development centers as a  
5 matter of right with no limitations in RA, MU, and WR zones.

6           And let's make the promise of high quality early  
7 childhood education a reality for all. Thank you for your  
8 time.

9           CHAIRMAN HOOD: I want to thank you, all. We  
10 appreciate your testimony. Let's see if we have any comments  
11 or questions up here. Vice Chairman?

12           VICE CHAIR MILLER: Thank you all for all the work  
13 you do on behalf of children in the District of Columbia.  
14 Of course many of us are familiar for decades of the service  
15 that you, Ms. Thornhill, have provided to the residents and  
16 the effective and passionate advocacy you've done for early  
17 childhood education and development.

18           And we appreciate all of that service. I think  
19 you were chair of the BZA, weren't you, at one time?

20           MS. THORNHILL: For ten years.

21           VICE CHAIR MILLER: Yes. And many other boards,  
22 obviously, and all the work on behalf of the residents,  
23 throughout the District of Columbia but particularly the east  
24 end. And I'll ask about the Subtitle H question to the  
25 Office of Planning when I get a chance to. So thank you for

1 bringing that up.

2 CHAIRMAN HOOD: Everyone, thank you all. But let  
3 me ask you a question. Right now, from a regulatory  
4 standpoint, how do we compare with Prince George's, not that  
5 we're trying to compete. But I heard you mention. How do  
6 we compare with Prince George's County? And I have a lot of  
7 friends over there, so I just was curious how do we compare  
8 with Prince George's?

9 MS. NELSON: Yes, I think that it's a lot easier  
10 I think in Prince George's County. One of the things that  
11 I see in the District is there is a lot of overlap. You  
12 know, a lot of the agencies are doing the exact same thing  
13 over and over and over again.

14 When we opened up, we had to first of all go  
15 through the DCRA. And that process, that was the longest  
16 part of the process through DCRA, getting through getting  
17 your permits done. And in my case, we were doing  
18 renovations, so that's a slightly longer process because you  
19 have to get them all approved, inspectors have to come out  
20 throughout the renovation process.

21 And then after that was over, we have to go  
22 through the process of OSSE, you know, getting licensed.  
23 License was the shortest part of the process. They were able  
24 to come in very expeditiously and, you know, license us.

25 But the longest part was the DCRA. And I think

1 that we got caught right in the middle of the change of the  
2 regulations. So that created another snag in the process.  
3 But I do find that there is a lot of overlap.

4 CHAIRMAN HOOD: Okay. All right, thank you. And  
5 I think that's what the Director was eluding to as well. So  
6 I really appreciate it. And we all appreciate you all coming  
7 down, providing your expertise in your long work that you all  
8 have done in this field.

9 Let's see, any other questions or comments up  
10 here? Okay, not seeing any, thank you very much. Appreciate  
11 it.

12 I left out organizations or persons that are  
13 undeclared. I seem to leave that out all the time. I'm  
14 still getting used to it. Okay, not seeing any.

15 Commissioners, we have any comments? We have the  
16 request before us. Vice Chair Miller?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,  
18 so I wanted to ask the Office of Planning if you could  
19 respond to the, now I forget the witness' name.

20 MS. BROWN-ROBERTS: Ms. Nelson.

21 VICE CHAIR MILLER: Yes.

22 MS. BROWN-ROBERTS: Ms. Nelson. Yes, she did  
23 bring it to my attention also.

24 VICE CHAIR MILLER: So that's a particular use  
25 group or location that is not being made matter of right, or

1 is it?

2 MS. BROWN-ROBERTS: It's going to take some cross-  
3 referencing for us to take a look at it. And we're going to  
4 be working with OAG to take a look at it and --

5 VICE CHAIR MILLER: So we may be able to get to  
6 that --

7 MS. BROWN-ROBERTS: To address it, yes.

8 VICE CHAIR MILLER: -- point before we take final  
9 action?

10 MS. STEINGASSER: We would ask that the Commission  
11 specifically grant OP permission to work with OAG to ensure  
12 that cross section is there.

13 VICE CHAIR MILLER: I certainly will do that.

14 MS. STEINGASSER: So that we don't have to --

15 VICE CHAIR MILLER: Myself and maybe my colleagues  
16 if they don't object.

17 CHAIRMAN HOOD: Steingasser is so nice. If the  
18 Commission would grant. That is so gracefully asked for.  
19 I mean, how could you turn that down? Okay, any other  
20 questions or comments? Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.  
22 This is a question for OP as well. But there was something  
23 in the Advisory Neighborhood Commission report that there was  
24 a "but" after the vote in support. I just want to make sure  
25 I understand.

1           The "but" was, "but voted to request that the  
2 documents be limited to child development centers." That was  
3 in the ANC letter, 6B.

4           MS. BROWN-ROBERTS: It seems --

5           COMMISSIONER SHAPIRO: It might be helpful to --

6           MS. BROWN-ROBERTS: The child development, the  
7 daytime care includes a number of uses. And I think that may  
8 be what they're talking about.

9           COMMISSIONER SHAPIRO: I just want to make sure  
10 we're addressing the ANC's concerns, and it wasn't quite  
11 clear to me whether that was a request to have this changed  
12 in some way or if it was just emphasizing something that's  
13 already being done. Perhaps we could ask the Commissioner  
14 step forward and clarify that? I'm sorry, I didn't catch  
15 that before when you were before us.

16           MR. JAYARAMAN: No, and I had meant to speak about  
17 that as well. The Office of Planning is correct, there are  
18 a number of uses in that category, including adult day  
19 treatment facilities, and for we're not concerned about  
20 services to individuals with development disabilities. That  
21 is specifically state.

22           But what I came before the BZA probably about a  
23 year and a half ago where certain adult day treatment centers  
24 which included potentially mental health issues, were also  
25 we already don't get any notice from behavioral health.

1 All this would do is expand that is what our  
2 concern was because it's covering the entire use category,  
3 we thought it should be limited to just child development  
4 centers, which I'm very, very supportive of and very  
5 supportive of that expansion, for sure.

6 CHAIRMAN HOOD: Thank you, that clarifies it.  
7 Thank you. Okay, so I think to me, the reason I didn't  
8 respond, I didn't really piggy back on what he had mentioned  
9 because I thought that was already in the pipeline and  
10 already excluded. Is that a correct statement, Ms. Brown-  
11 Roberts?

12 MS. BROWN-ROBERTS: No, I don't think -- I have  
13 to go back and take a look at it to see that it wasn't  
14 excluded in all.

15 CHAIRMAN HOOD: Okay but some of that I have no  
16 pause, when I first got on the Commission in the '90s, what  
17 was it, the Fair Housing Act. I think the City was being  
18 sued and all that piece that goes into that.

19 I actually voted against, I can say it now, I  
20 voted against that because it did exactly what he said, it  
21 took out the right for neighborhoods to be notified. And I  
22 don't even want to ask how that's working because I actually  
23 know.

24 But I was just curious. So that's something I  
25 think we need to look at. I'm definitely supportive of the



1 children. I think, I understand the Commissioner's concern.  
2 Let me hear what others, any others have any comments on  
3 that? Commissioner May?

4 COMMISSIONER MAY: No, I agree. I mean, that  
5 stood out in the Commissioner's testimony that there was, you  
6 know, there was that concern that it would only be at this  
7 effort to broaden the ability to establish child development  
8 centers, not include all facilities.

9 And I mean, frankly I'm surprised we didn't hear  
10 more about that from others. But I mean, is the intention  
11 of the Office of Planning at this point, I mean, was it  
12 really just about the child development centers and not about  
13 the adult --

14 MS. BROWN-ROBERTS: It was, yes. We didn't do any  
15 research at all on the other --

16 COMMISSIONER MAY: All right. So then, I mean,  
17 it seems to me it makes sense that we grant OP with  
18 flexibility to tweak the language with that intent along with  
19 the other change that we just got to.

20 CHAIRMAN HOOD: Thanks. I appreciate my  
21 colleagues. I think that is the way that we need to move.  
22 I definitely don't want to hold up and I don't want Prince  
23 George's County to be doing a lot better than we are, so I  
24 don't want to hold this up.

25 Any other questions or comments up here?

1 (No audible response.)

2 CHAIRMAN HOOD: Okay. Would someone like to make  
3 a motion? Okay.

4 COMMISSIONER TURNBULL: Mr. Chair, I move that we  
5 take preliminary action on Case 17-20, Child Development  
6 Centers, text amendment to the daytime care use category  
7 provided by the Office of Planning and look for a second.

8 VICE CHAIR MILLER: Second.

9 CHAIRMAN HOOD: Okay, it's been moved and properly  
10 second. This is a two vote case. And hopefully Office of  
11 Planning will have, we will have that fine-tuned before we  
12 take our second vote. But we're definitely enthusiastic  
13 about moving this forward.

14 Any further discussions? All in favor?

15 (Chorus of ayes.)

16 CHAIRMAN HOOD: Any opposition?

17 (No audible response.)

18 CHAIRMAN HOOD: None hearing, Ms. Schellin, would  
19 you record the vote?

20 MS. SCHELLIN: Yes. Staff records the vote as 5  
21 to 0 to 0 to take proposed action on Zoning Commission Case  
22 Number 17-20, Commissioner Turnbull moving, Commissioner  
23 Miller seconding, Commissioners Hood, May, and Shapiro in  
24 support.

25 And as Commissioner, or Chairman Hood stated, this

1 is a two vote. So now proposed rulemaking will be published  
2 for a 30 days comment period.

3 CHAIRMAN HOOD: okay, I want to commend everyone.  
4 Let's keep taking care of our little people because little  
5 people got feelings too. Okay? All right. Anything else  
6 in this case?

7 All right, we're going to take one minute and give  
8 everybody a chance to leave. If you want to stick around for  
9 the next one, stick around and see what we do. If not, thank  
10 you for coming. With that, we'll give it one minute.

11 (Whereupon, the above-entitled matter went off the  
12 record at 7:27 p.m.)  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing  
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Before: DC Zoning Commission

Date: 02-08-18

Place: Washington, DC

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