



APPEAL APPLICATION BOARD OF ZONING APPEALS

VOID

Identify the order, requirement, decision or determination that is the subject of the appeal. Attach one copy to the application.

Notice of Violation by Leonard Richards as to Blue Bird of Alexandria day care

On what date was the order, requirement, decision or determination made?

May 25, 2018

*The appeal must be filed within 30 days from the date that the order, requirement, decision or determination was made.

PART A

1. Applicant: Owner Contract Purchaser Agent

Name J S & Family, LLC

Address 346 Commerce Street/1447 Duke Street

Daytime Phone 703 548 0110 (David Chamowitz, Agent)

Email Address dchamowitz@chamlaw.com

2. Property Location 346 Commerce Street

3. Assessment Map # 073.02 Block 07 Lot 26

Zone CD

4. Legal Property Owner Name J S & Family, LLC

Address 1447 Duke Street, Alexandria, VA 22314

RECEIVED

JUN 22 2018

PLANNING & ZONING

VOID

BZA Case # _____

5. **If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?**

- Yes, Provide proof of current City business license.
- No, Said agent shall be required to obtain a business license prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

David Chamowitz

Print Name



Signature

June 22 , 2018

Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

UUD

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Jerry PnevmanKaros	346 Commerce St,	50%
2.	Susan PnevmanKaros	346 Commerce St,	50%
3.			

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 346 Commerce St, (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Jerry PnevmanKaros	346 Commerce St,	50%
2.	Susan PnevmanKaros	346 Commerce St,	50%
3.			

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Jerry PnevmanKaros	None	BZA
2. Susan PnevmanKaros	None	BZA
3. DAVID CHAMOWITZ	None	BZA

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

June 22, 2018

Date

David Chamowitz

Printed Name

David Chamowitz

Signature

J, S and Family, LLC
Blue Bird Day Care
APPEAL TO BZA
June 22, 2018

VOID

1) Blue Bird's SUP does not govern the pickup of children from the playground, and therefore it is no violation to pick them up there. The SUP specifically says that when children are picked up "from the center," it should be done using legal parking spaces or the designated loading zone. (Condition 8). There are no restrictions given regarding the pickup of children from the playground.

The only place children may *not* be picked up from is Duke Street. (Condition 7).

If the Blue Bird children were on a field trip to City Hall, and a parent picked its child up there, is that a violation of the SUP? If the Blue Bird children were on a walk down King Street to the Potomac River, and a parent picked its child up there, would that be a violation of the SUP? According to the Notice of Violation, it would. Blue Bird does not agree. The SUP simply does not govern where children may **not** be picked up from, with the single exception of Duke Street.

SUPs are legislative acts by City Council, and legislation must be interpreted by giving its words their plain meaning. An SUP means what it says, and doesn't mean what it doesn't say.

2) No business can be found to have violated its SUP due to the behavior of its customers.

If a parent arrives to pick up his or her child while the child is at the playground, Blue Bird cannot refuse, and kidnap the child. Blue Bird cannot tell an adult that they cannot have their child back unless they drive to the end of Commerce Street and wait there.

Whatever Blue Bird wishes its parents would do, it is not responsible for the independent acts of adults not under its control. And those acts do not represent a violation *by Blue Bird* of its SUP.



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314
703-746-4333

NOTICE OF VIOLATION
YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

May 24, 2018 Thursday 4:20
Date of Violation Day of Week Time AM/PM

Location of Violation: 200 Commerce St

Ord. Section: 11-505

Description of Violation: SUP violation

Condition 9 states "Legal parking spaces or designated loading zone must be used when dropping or picking up children"

Penalty \$: 50

1st fine 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY 5/25/18
AN ADDITIONAL MONETARY PENALTY WILL BE ASSESSED.

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.

SIGNATURE DATE

Violator's Copy - White
City Attorney Copy - Yellow
Planning & Zoning Copy - Gold
Finance Copy - Pink

Individual/Business Responsible for Violation:

PROPERTY/BUSINESS OWNER
 PROPERTY OCCUPANT
Bluebird of Alexandria
NAME
346 Commerce St
ADDRESS
Alexandria VA 22314
CITY/TOWN STATE ZIP

CERTIFICATION OF ISSUING AGENT

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning, that he/she personally observed or investigated the commission of the violation noted above and/or the violation was based upon a signed affidavit or other reliable evidence, and that on the date of notice, a copy of this notice was:

Hand delivered to _____
 Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Bluebird of Alexandria
Name of Person or Business Served
346 Commerce St
Address of Service
Alexandria VA 22314
City/State/Zip

Posted true copy of this notice at the site of the infraction

Leonard Richards 5/25/18

Inspector's Signature ID Number Date
Print Name Leonard Richards
Phone # 703 746 2842

WARNING
YOU ARE REQUIRED TO RESPOND TO THIS NOTICE WITHIN 15 DAYS IN ONE OF THE FOLLOWING WAYS. HOWEVER, ADDITIONAL NOTICES OF VIOLATION MAY BE ISSUED WITHIN THAT TIME PERIOD IF WARRANTED. FAILURE TO RESPOND TO THIS NOTICE WILL RESULT IN THE FILING OF A CIVIL LAWSUIT TO ENFORCE THE PENALTY IMPOSED HEREIN.

TICKET NO. 3025

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail; print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, 22314, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-746-3902.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
 - (a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
 - (b) Appear in person or by authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-746-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. To file such an appeal, you must file the appropriate paperwork and pay the appropriate fee for such appeal with the Department of Planning and Zoning. The interpretation shall be final and unappealable if not appealed within 30 days.

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

Admit violation No contest Contest in Court

Name (print) _____
Street Address _____
City _____ State _____ Zip _____
Telephone Number _____

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature _____ Date _____

DEPARTMENT OF PLANNING AND ZONING
301 King Street, Room 2100, City Hall
Alexandria, VA 22314
703-746-4333

Affidavit
Statement of Zoning Violation

STATE OF VIRGINIA, CITY OF ALEXANDRIA, to wit:

This day personally appeared before me Danielle Romanetti who,
after first being duly sworn, ^{Name}deposed and said as follows:

1. That he/she resides at 603 Russell Road Alexandria, VA 22301
_{Address}

and may be reached at the following telephone numbers:
703-664-0344 202-669-8282
_{Home Work}

2. That at 4:43pm, on June 5, 2018
_{Time Day Date}

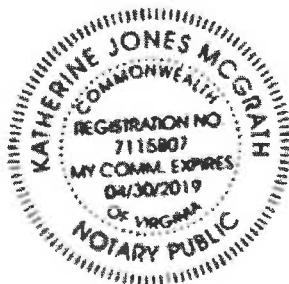
he/she personally observed the following occurrence or condition:
(Describe occurrence or condition in detail, including information identifying individuals or business responsible for the occurrence or condition.)

Preschool pick up occurring in non approved location on 200 block of Commerce Street.
Several parents parked illegally on wrong side of street facing oncoming traffic to pick up
their children, loading children into the car from the traffic facing side. Dangerous.

3. That, subject to paragraph 4, all of the foregoing information is submitted in confidence with respect to an active administrative investigation of a possible violation of the City of Alexandria Zoning Ordinance.
4. That in the event administrative and/or court proceedings are initiated against any party responsible for the occurrence or condition reported above, he/she will, upon reasonable notice, appear at such proceedings and testify on behalf of the City of Alexandria.

Subscribed and sworn to before me by Danielle Romanetti ^{Signature}
this 5th day of June, 2018.
My commission expires: 9/30/2019

[Signature]
Notary Public



DEPARTMENT OF PLANNING AND ZONING
301 King Street, Room 2100, City Hall
Alexandria, VA 22314
703-746-4333

Affidavit
Statement of Zoning Violation

STATE OF VIRGINIA, CITY OF ALEXANDRIA, to wit:

This day personally appeared before me Danielle Romanetti who,
Name
after first being duly sworn, deposed and said as follows:

1. That he/she resides at 603 Russell Road Alexandria, VA 22301
Address

and may be reached at the following telephone numbers:
703-664-0344 202-669-8282
Home Work

2. That at 4:26-5:00, on Thursday, Jun 7, 2018
Time Day Date

he/she personally observed the following occurrence or condition:
(Describe occurrence or condition in detail, including information identifying individuals or business responsible for the occurrence or condition.)
Preschool pick up occurring in non approved location on 200 block of Commerce Street.
Several parents parked illegally on wrong side of street facing oncoming traffic to pick up their children, loading children into the car from the traffic facing side. Dangerous.

3. That, subject to paragraph 4, all of the foregoing information is submitted in confidence with respect to an active administrative investigation of a possible violation of the City of Alexandria Zoning Ordinance.

4. That in the event administrative and/or court proceedings are initiated against any party responsible for the occurrence or condition reported above, he/she will, upon reasonable notice, appear at such proceedings and testify on behalf of the City of Alexandria.

Subscribed and sworn to before me by Danielle Romanetti
Signature
this 8th day of June, 2018.
My commission expires: 4/30/2019

[Signature]
Notary Public



Melissa Dunn

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Thursday, May 03, 2018 12:37 PM
To: Madeleine Sims
Cc: Ann Horowitz; Mary Christesen
Subject: RE: Blue Bird Day Care

Understood. I'll email him right now.

We continue to believe that Blue Bird is not in violation of its SUP conditions for the reasons set forth in my initial email to Mr. Richards in November, but I have encouraged my client that attempting to use the City processes available can be an alternative to contesting every adverse ruling.

Thanks for your assistance in this.

--Dave

David L. Chamowitz

Chamowitz & Chamowitz, P.C.

118 N. Alfred St.

Alexandria, VA 22314

(703) 548-0110 phone

(703) 836-8857 fax

dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, May 03, 2018 10:40 AM
To: David Chamowitz
Cc: Ann Horowitz; Mary Christesen
Subject: Re: Blue Bird Day Care

Dave,

We have received another complaint about pick-ups occurring at the playground where parents are parking the opposite way. With a maximum of 20 students being pick-up at the playground, a two space loading zone should be established. Because of this complaint, we need to accelerate the pace of this pick-up and drop-off letter. You need to contact Bob Garbacz, bob.garbacz@alexandriava.gov, to apply for a loading zone. Please do this as soon as possible to get on the May docket and let me know when you have confirmed this.

Kind regards,

Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 30, 2018 9:33:51 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

In order to be on the high side, I think I would estimate 20, staggered over the course of two hours. As with any other business, Blue Bird isn't able to control when its customers arrive.

Thanks much,

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Monday, April 16, 2018 2:38 PM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

We need to know an estimate of how many children get picked up from the playground, what would be the maximum? I understand this fluctuating depending on the day (and weather patterns), however we need to ensure the loading area is sufficient for pick-up. The current proposal for pick-up at includes using on-street parking spaces as pick-up areas (playground area), these spaces would have to be converted to a loading zone in order to use the spaces for loading. If you wish to pursue this please contact Bob Garbacz (bob.garbacz@alexandriava.gov), T&ES, who can work with you and the Traffic and Parking Board to convert the spaces to a loading zone. Please let me know an estimated number of children who are picked up at the playground so that we can determine how large a loading zone would need to be to accommodate pick-up.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 16, 2018 11:20:00 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

Thanks for the email.

Many of the kids are too young to go to the playground, much of the year is too cold to ever go to the playground, and even in the temperate season they don't go in inclement weather. Of kids that go to the playground, a small number of their parents happen to come for pickup while they're there. (I think I said some of this in the filing; I'm just repeating it for context of the number of actual pickups, not to drum it in.)

The maximum possible number of children permitted for safety reasons to be on the playground at a time is 60. That capacity does not occur frequently; what actually happens is that the classes rotate through so it's not too crowded.

Yes, to the best of our knowledge, of parents who arrive to pick their kids up in a car at the actual day care center, they use the cul-de-sac.

Oh, interesting about the 200 Commerce Street. Thanks for that info. I haven't seen any activity over there, but take your point about the use of the curbcut into the future. That same company just opened a place at Pentagon Row, and also comes out to a farmer's market in Washington, VA that I go to lots of weekends.

--Dave

David L. Chamowitz
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118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, April 12, 2018 10:18 AM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

I am working on updating a pick up and drop off agreement for Blue Bird. I have a few questions to help clarify what will be happening. How many children will be picked up from the playground? I understand that not all children will be picked up from there, seeing as there are 145, however I need to know how many children

would be at the playground when in use and how many could be picked-up. That being said, is the cul-de-sac being used for loading for the other children if they are not at the playground. Lastly, in fall of 2017 an administrative SUP was approved for a coffee shop at 200 Commerce Street, they indicated in their application that the curb cut would be used to pull onto the property for deliveries.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Wednesday, March 28, 2018 3:49:40 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

All,

Attached is a PDF site plan associated the the previously-provided Day Care Pickup Proposal.

Thanks,

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Thursday, March 22, 2018 8:18 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Hi David, You are correct. The form was attached, but we do need a plan showing the details of the drop off/pick up.

Ann is coordinating with BAR staff to schedule a meeting for 309 N Patrick Street. I am out of the office starting tomorrow, so she or Madeleine will be in touch with a proposed date/time.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria

703.746.3840

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, March 09, 2018 5:32 PM
To: Mary Christesen <Mary.Christesen@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

All,

Attached is a proposed revised pick-up plan for Blue Bird daycare. I attempted to be very clear in my narrative description of the area rather than do a site plan, since Commerce Street is a public street over which Blue Bird has no control or ability to govern.

Thank you very much for making this helpful administrative review process available.

Have a nice weekend. I'll be available for discussion whenever convenient for you.

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Wednesday, February 28, 2018 1:24 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: Blue Bird Day Care

Hi David, I am following up with you from our meeting earlier this month. We were expecting to see a revised drop off and pick up plan for Blue Bird Day Care and have yet to receive it. We've received another complaint regarding pick up in the evening pickups from the playground at 211 Commerce Street and parents parking the wrong way on the street when they are there to pick up kids.

Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

Melissa Dunn

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 30, 2018 9:34 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

In order to be on the high side, I think I would estimate 20, staggered over the course of two hours. As with any other business, Blue Bird isn't able to control when its customers arrive.

Thanks much,

--Dave

David L. Chamowitz

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dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Monday, April 16, 2018 2:38 PM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

We need to know an estimate of how many children get picked up from the playground, what would be the maximum? I understand this fluctuating depending on the day (and weather patterns), however we need to ensure the loading area is sufficient for pick-up. The current proposal for pick-up at includes using on-street parking spaces as pick-up areas (playground area), these spaces would have to be converted to a loading zone in order to use the spaces for loading. If you wish to pursue this please contact Bob Garbacz (bob.garbacz@alexandriava.gov), T&ES, who can work with you and the Traffic and Parking Board to convert

the spaces to a loading zone. Please let me know an estimated number of children who are picked up at the playground so that we can determine how large a loading zone would need to be to accommodate pick-up.

Kind regards,
Madeleine

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www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 16, 2018 11:20:00 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

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Thanks for the email.

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Oh, interesting about the 200 Commerce Street. Thanks for that info. I haven't seen any activity over there, but take your point about the use of the curbcut into the future. That same company just opened a place at Pentagon Row, and also comes out to a farmer's market in Washington, VA that I go to lots of weekends.

--Dave

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From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, April 12, 2018 10:18 AM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

I am working on updating a pick up and drop off agreement for Blue Bird. I have a few questions to help clarify what will be happening. How many children will be picked up from the playground? I understand that not all children will be picked up from there, seeing as there are 145, however I need to know how many children would be at the playground when in use and how many could be picked-up. That being said, is the cul-de-sac being used for loading for the other children if they are not at the playground. Lastly, in fall of 2017 an administrative SUP was approved for a coffee shop at 200 Commerce Street, they indicated in their application that the curb cut would be used to pull onto the property for deliveries.

Kind regards,
Madeleine

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Sent: Wednesday, March 28, 2018 3:49:40 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

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To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
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Department of Planning and Zoning
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Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

All,

Attached is a proposed revised pick-up plan for Blue Bird daycare. I attempted to be very clear in my narrative description of the area rather than do a site plan, since Commerce Street is a public street over which Blue Bird has no control or ability to govern.

Thank you very much for making this helpful administrative review process available.

Have a nice weekend. I'll be available for discussion whenever convenient for you.

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Wednesday, February 28, 2018 1:24 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: Blue Bird Day Care

Hi David, I am following up with you from our meeting earlier this month. We were expecting to see a revised drop off and pick up plan for Blue Bird Day Care and have yet to receive it. We've received another complaint regarding pick up in the evening pickups from the playground at 211 Commerce Street and parents parking the wrong way on the street when they are there to pick up kids.

Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria

Melissa Dunn

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 16, 2018 11:20 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

Thanks for the email.

Many of the kids are too young to go to the playground, much of the year is too cold to ever go to the playground, and even in the temperate season they don't go in inclement weather. Of kids that go to the playground, a small number of their parents happen to come for pickup while they're there. (I think I said some of this in the filing; I'm just repeating it for context of the number of actual pickups, not to drum it in.)

The maximum possible number of children permitted for safety reasons to be on the playground at a time is 60. That capacity does not occur frequently; what actually happens is that the classes rotate through so it's not too crowded.

Yes, to the best of our knowledge, of parents who arrive to pick their kids up in a car at the actual day care center, they use the cul-de-sac.

Oh, interesting about the 200 Commerce Street. Thanks for that info. I haven't seen any activity over there, but take your point about the use of the curbcut into the future. That same company just opened a place at Pentagon Row, and also comes out to a farmer's market in Washington, VA that I go to lots of weekends.

--Dave

David L. Chamowitz

Chamowitz & Chamowitz, P.C.

118 N. Alfred St.

Alexandria, VA 22314

(703) 548-0110 phone

(703) 836-8857 fax

dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]

Sent: Thursday, April 12, 2018 10:18 AM

To: David Chamowitz

Cc: Ann Horowitz

Subject: Re: Blue Bird Day Care

David,

I am working on updating a pick up and drop off agreement for Blue Bird. I have a few questions to help clarify what will be happening. How many children will be picked up from the playground? I understand that not all children will be picked up from there, seeing as there are 145, however I need to know how many children would be at the playground when in use and how many could be picked-up. That being said, is the cul-de-sac being used for loading for the other children if they are not at the playground. Lastly, in fall of 2017 an administrative SUP was approved for a coffee shop at 200 Commerce Street, they indicated in their application that the curb cut would be used to pull onto the property for deliveries.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Wednesday, March 28, 2018 3:49:40 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

All,
Attached is a PDF site plan associated the the previously-provided Day Care Pickup Proposal.

Thanks,
--Dave

David L. Chamowitz
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118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
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dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Thursday, March 22, 2018 8:18 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Hi David, You are correct. The form was attached, but we do need a plan showing the details of the drop off/pick up.

Ann is coordinating with BAR staff to schedule a meeting for 309 N Patrick Street. I am out of the office starting tomorrow, so she or Madeleine will be in touch with a proposed date/time.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, March 09, 2018 5:32 PM
To: Mary Christesen <Mary.Christesen@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

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Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria

Melissa Dunn

From: danielle@fibrespace.com
Sent: Friday, June 08, 2018 4:03 PM
To: Karl Moritz; Ann Horowitz
Subject: two more affidavits
Attachments: 6.7affidavits.pdf

photos and affidavits attached for two more days this week and they are again doing it today so I will send another on Monday. It doesn't not appear that they have made any attempt to communicate to parents that this is a two way street and that it is incredibly dangerous to park facing oncoming traffic. Yesterday while three cars were lined up, I was driving around them and another car was coming at ME on Commerce bc the road was essentially blocked down to one lane. TES should put a double yellow line in and parking enforcement (Who I call daily) has never once come out to ticket from 4:00-5:30 when this is occurring.

Danielle Romanetti
Owner
fibre space | fibrespace.com
1319 Prince Street
Alexandria, VA 22314
phone 703-664-0344 | Instagram [fibrespace](#)
Find us on Ravelry: Fans of fibre space

Begin forwarded message:

From: "danielle@fibrespace.com" <danielle@fibrespace.com>
Date: June 8, 2018 at 3:59:07 PM EDT
To: Romanetti Danielle <danielle@fibrespace.com>







Melissa Dunn

From: Danielle Romanetti <dromanetti@gmail.com>
Sent: Tuesday, May 08, 2018 4:27 PM
To: Ann Horowitz
Subject: Blue bird / commerce St

It would appear that nothing has changed with this school and their pick up on commerce. Since the parents continue to park facing oncoming traffic, would it be possible to get a double yellow line down the road to make it even more clear to them that they are about to get hit by a car?

Additionally, what in the world is going to make this stop? Virtually every day a customer or one of my staff comes in to say that they turned from Payne onto Commerce and were facing a car parked on the wrong side of the street in a spot where parking isn't even allowed.

It is really just a matter of time before someone is hurt.

Danielle
202-669-8282

Melissa Dunn

From: Danielle Romanetti <dromanetti@gmail.com>
Sent: Wednesday, May 02, 2018 5:00 PM
To: Ann Horowitz
Subject: Blue bird / Commerce St

I called police / parking enforcement but there are two cars right now facing oncoming traffic.



Melissa Dunn

From: Danielle Romanetti <dromanetti@gmail.com>
Sent: Wednesday, April 11, 2018 4:28 PM
To: Ann Horowitz
Subject: Commerce street school park

They are back again after 4 pm and parents are picking up from the wrong side facing the wrong way...

Danielle
202-669-8282
Sent from my iPhone

Melissa Dunn

From: Ann Horowitz
Sent: Wednesday, February 28, 2018 4:14 PM
To: Leonard Richards
Cc: Mary Christesen
Subject: Daycare pick up at 211 N Fayette

Diane Romanetti just called and said parents are starting to pick up their kids now and will continue to do so until 5:30. If you have a chance to stop over, possibly you will witness this. She may call the police non emergency number, too, since parents are blocking the street and going down the wrong way.

Melissa Dunn

From: Danielle Romanetti <dromanetti@gmail.com>
Sent: Tuesday, February 27, 2018 5:35 PM
To: Ann Horowitz
Subject: Bluebird / Commerce St

They are once again keeping kids at the park until 5:30 and doing pick up there. I can't find the code enforcement guy who was handling this. Attaching photo of parent picking up facing the wrong way. I told her she was and she said "I know" and shrugged.

Danielle
202-669-8282

Melissa Dunn

From: Danielle Romanetti <dromanetti@gmail.com>
Sent: Tuesday, November 21, 2017 4:58 PM
To: Ann Horowitz
Subject: Re: Call.Click.Connect. #133397: Special Use Permit Requests Blue Bird of 346 Commerce Street is usin

The school resumed pick up today on the 200 block. Children were there until 4:50 with parents picking up and working illegally on wrong side of road facing traffic.

Sent from my iPhone

On Nov 20, 2017, at 3:03 PM, Ann Horowitz <ann.horowitz@alexandriava.gov> wrote:

We will let them know that if they want to request a change to the existing, approved pick up and drop off plan for the cul-de-sac in front of 346 Commerce Street, they can apply and we will take a look at it. If they would like us to review a process on the 200 block, it would provide the opportunity to clarify and require a suitable parking and traffic flow arrangements.

From: Danielle Romanetti [<mailto:dromanetti@gmail.com>]
Sent: Monday, November 20, 2017 2:58 PM
To: Ann Horowitz
Cc: Madeleine Sims; Alex Dambach
Subject: Re: Call.Click.Connect. #133397: Special Use Permit Requests Blue Bird of 346 Commerce Street is usin

None of us much care that pick up is happening here, we really just want (and have asked repeatedly) for them to notify their parents that this is a two way street so that we aren't all having near head on collisions with the stupid parents that pick up at 4:30 and seem to be unaware of traffic patterns. TES installed another sign to help them see this but they are still doing it and the school has not yet sent a single email to parents to notify them of the issue. (I've got friends with kids there).

So really we are all fine iwth ignoring their violation of pick up location if the people doing the picking up aren't so completely and blissfully unaware of basic traffic laws.

On Mon, Nov 20, 2017 at 2:21 PM, Ann Horowitz <ann.horowitz@alexandriava.gov> wrote:

Danielle,

Danielle,

Thank you for bringing this to our attention. We will contact the day care center and remind them that pick up and drop off is to take place in front of its building at 346 Commerce Street.

Ann

From: Danielle Romanetti via Call.Click.Connect. [mailto:CallClickConnect@alexandriava.gov]
Sent: Wednesday, November 15, 2017 4:36 PM
To: CCC PZ SUP
Subject: Call.Click.Connect. #133397: Special Use Permit Requests Blue Bird of 346 Commerce Street is usin

Dear Call.Click.Connect. User

A request was just created using Call.Click.Connect. The request ID is 133397.

Request Details:

This is a "private" request. Information should only be provided to the original customer.

- Name: Danielle Romanetti
- Approximate Address: No Address Specified
- Phone Number: [202-669-8282](tel:202-669-8282)
- Email: dromanetti@gmail.com
- Service Type: Special Use Permit Requests
- Request Description: Blue Bird of 346 Commerce Street is using a playground on the 200 block of Commerce St in the afternoons. Parents are picking their children up from that location which has no parking and is located on a narrow two way street. The parents park on the north side facing oncoming traffic (parked in a no parking zone facing oncoming traffic). Two phone calls to the schools has not resulted in this stopping. The parents have not been told that this is a two way street that they are driving down during rush hour on the wrong side. Nor have they been told that they can't do school pick up from this location, as I'm certain this isn't in the school's SUP. I've called parking enforcement several times as well to request that they park and ticket people between 4:30 and 5 when this occurs.
- Expected Response Date: Monday, November 20

Please take the necessary actions in responding, handling and/or updating this request at [the Call.Click.Connect. staff interface.](#)

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a Call.Click.Connect. request. Please do not reply to this email.

Melissa Dunn

From: Danielle Romanetti <dromanetti@gmail.com>
Sent: Monday, November 20, 2017 4:30 PM
To: Ann Horowitz; Justin Wilson
Subject: Re: Call.Click.Connect. #133397: Special Use Permit Requests Blue Bird of 346 Commerce Street is usin

trying to call you now because the director at blue bird just showed up at my store to accuse me of neing in confrontation with a parent and teachers. She was abusive, won't listen to me about where parents are parking and claims that the person from the city who came out told her that everything was absolutely fine with what their parents and school were doing at that playground.

she will not listen that parents are parking facing oncoming traffic on the wrong side of the street. She also told me that i have to address all issues directly with her and no one else, which is hilarious since she wouldn't tell me her name, has never returned my three phone calls to the school and none of her staff have ever told her of the issues I have reported. I'd like to know if the school was told that this was completely ok, because it isn't.

On Mon, Nov 20, 2017 at 3:03 PM, Ann Horowitz <ann.horowitz@alexandriava.gov> wrote:

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- Expected Response Date: Monday, November 20

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This is an automated email notification of a Call.Click.Connect. request. Please do not reply to this email.

Melissa Dunn

From: Cityworks.Mail@alexandriava.gov
Sent: Thursday, November 16, 2017 11:11 AM
Subject: Service Request: 133397

Dear *Call.Click.Connect* User

A request was either just created or updated using *CityWorks*. Please take the necessary actions in responding, handling and/or updating this request.

Request Number:	133397
Date / Time Reported:	11/15/2017 4:36:04 PM
Description:	Special Use Permit Requests
Problem Code:	PZ_SUP_REQUEST
Problem Address:	
Initiated By:	CCC, Customer
Submitted To	PLZ, SUP_REQUEST
Dispatched To	HOROWITZ, ANN
Prj Complete Date	11/20/2017 4:36:04 PM

Caller Information

Call	Name	Home Address	Home Phone	Work Phone	Email
	DANIELLE	ROMANETTI	202-669-8282		DROMANETTI@GMAIL.COM

Questions and Answers

Call	Questions	Answers

Comments:

By CCC, Customer : 11/15/2017 4:36:04 PM

This is a "private" request. Information should only be provided to the original customer.

Initial customer description

Blue Bird of 346 Commerce Street is using a playground on the 200 block of Commerce St in the afternoons. Parents are picking their children up from that location which has no parking and is located on a narrow two way street. The parents park on the north side facing oncoming traffic (parked in a no parking zone facing oncoming traffic). Two phone calls to the schools has not resulted in this stopping. The parents have not been told that this is a two way street that they are driving down during rush hour on the wrong side. Nor have they been told that they can't do school pick up from this location, as I'm certain this isn't in the school's SUP. I've called parking enforcement several times as well to request that they park and ticket people between 4:30 and 5 when this occurs.

By BELLAMY, LATANGELA : 11/16/2017 11:09:46 AM

A. Horowitz will respond or dispatch for response to be sent directly to requester. I should be BCC in the email of response to close out ticket in system, if it is not closed by responder.

If you need assistance with handling this request, please contact Callclickconnect@alexandriava.gov or call 703.746.HELP.

Melissa Dunn

From: Call Click Connect
Sent: Wednesday, November 15, 2017 4:36 PM
To: CCC PZ SUP
Subject: Call.Click.Connect. #133397: Special Use Permit Requests Blue Bird of 346 Commerce Street is usin

Dear [Call.Click.Connect](#). User

A request was just created using [Call.Click.Connect](#). The request ID is 133397.

Request Details:

This is a "private" request. Information should only be provided to the original customer.

- Name: Danielle Romanetti
- Approximate Address: No Address Specified
- Phone Number: 202-669-8282
- Email: dromanetti@gmail.com
- Service Type: Special Use Permit Requests
- Request Description: Blue Bird of 346 Commerce Street is using a playground on the 200 block of Commerce St in the afternoons. Parents are picking their children up from that location which has no parking and is located on a narrow two way street. The parents park on the north side facing oncoming traffic (parked in a no parking zone facing oncoming traffic). Two phone calls to the schools has not resulted in this stopping. The parents have not been told that this is a two way street that they are driving down during rush hour on the wrong side. Nor have they been told that they can't do school pick up from this location, as I'm certain this isn't in the school's SUP. I've called parking enforcement several times as well to request that they park and ticket people between 4:30 and 5 when this occurs.
- Expected Response Date: Monday, November 20

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This is an automated email notification of a [Call.Click.Connect](#). request. Please do not reply to this email.

Melissa Dunn

From: Cityworks.Mail@alexandriava.gov
Sent: Wednesday, November 15, 2017 4:36 PM
Subject: New Cityworks Service Request #133397

Dear *Call.Click.Connect* User

A request was either just created or updated in *CityWorks*. Please take the necessary actions in responding, handling and/or updating this request.

Request Number:	133397
Date / Time Reported:	11/15/2017 4:36:04 PM
Description:	Special Use Permit Requests
Problem Code:	PZ_SUP_REQUEST
Problem Address:	
Initiated By:	CCC, Customer
Submitted To	PLZ, SUP_REQUEST
Dispatched To	
Prj Complete Date	11/20/2017 4:36:04 PM

Caller Information

Call	Name	Home Address	Home Phone	Work Phone	Email
	DANIELLE	ROMANETTI	202-669-8282		DROMANETTI@GMAIL.COM

Questions and Answers

Call	Questions	Answers

Comments:

By CCC, Customer : 11/15/2017 4:36:04 PM

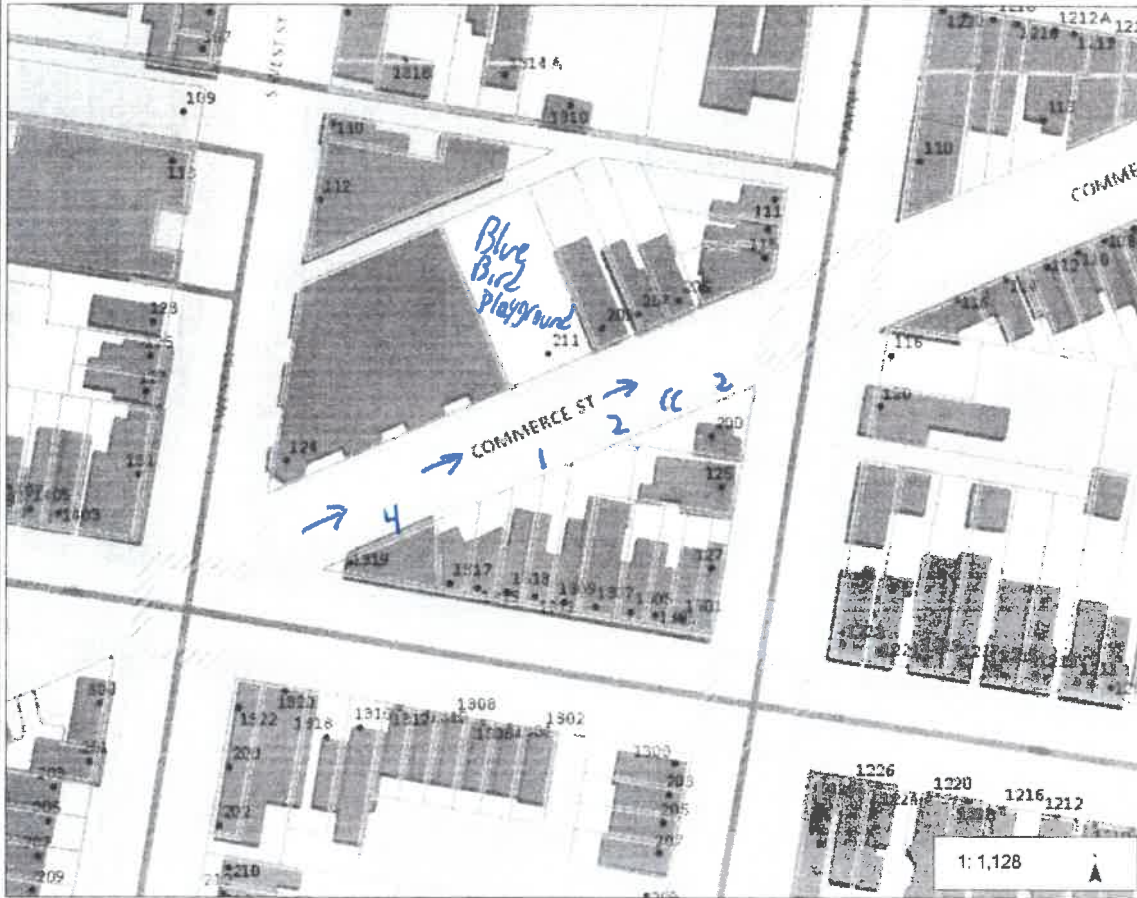
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Legend

- Tax Map Index
- ▭ Parcels
- Blocks
- Fire Stations
- Addresses
- ▭ Metro Stations
- Metro Lines
- Blue
- Yellow
- Yellow Blue
- City Boundary
- Rail Lines
- ▭ Parcels
- ▭ Buildings
- ▭ Surface Water
- ▭ Streams
- ▭ Parks
- ▭ City of Alexandria

Notes

188.1 0 94.04 188.1 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Alexandria VA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

SITE PLAN ATTACHMENT TO BLUE BIRD PICKUP PLAN APPLICATION

The notations indicate the number of public parking spaces located in each area, which the parents can use when available. The "cc" indicates the curb cut for the Ice House parcel at the corner of Commerce Street and N. Payne Street. That building is currently vacant, so parents temporarily stopping in front of the unused curb cut to buckle their children into seatbelts should not be an imposition.

Blue Bird will verbally instruct its parents to pick up their children on the south side of the street, in the travel direction indicated by the arrows, above. It will also distribute a quarterly communication to all parents to the same effect.

Blue Bird will also post a laminated sign on the outside fence of the playground with the Blue Bird logo and the words "NO STOPPING OR PICKUP THIS SIDE."

As noted in the Pickup Plan Application, Blue Bird supports the vigorous enforcement of City parking and traffic regulations against any parent who violates them.

Melissa Dunn

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Wednesday, March 28, 2018 3:50 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care
Attachments: BLUE BIRD CHILDCARE Pickup Site Plan.pdf

All,

Attached is a PDF site plan associated the the previously-provided Day Care Pickup Proposal.

Thanks,

--Dave

David L. Chamowitz
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Department of Planning and Zoning
City of Alexandria
703.746.3840

City of Alexandria, Virginia, Planning and Zoning Department
Day Care Drop-Off/Pickup Plan for Special Use Permit Staff Review

In addition to completing this form, please submit a site plan that identifies the building, the location of off-street parking spaces, and the movement of vehicles during drop-off and pick-up times.

Return to: SUP Planner, Department of Planning and Zoning, Room 2100, City of Alexandria, VA, 22314.

1. Name of day care establishment:

Blue Bird of Alexandria

2. Address:

346 Commerce Street

3. Business owner:

Jerry & Susan Pnevmatikatos

4. Business owner phone and email:

703 683 2701; Jerry@brentwoodacademy.org

5. Description of day care establishment:

Please see information below.

6. Number of children at the site at any one time and their ages:

145; 6 weeks through 5 years.

7. Number of classrooms:

9

8. Number of employees on-site at any one time:

32

9. Overall hours of operation:

7:00am-6:00pm

10. Peak times of drop-off/pickup

7:00am-9:30pm; 3:30pm-6:00pm

11. Number of off-street parking spaces available for the day care use:

A. Number for employees: 18

B. Number for parents/guardians (if parking and walking children into site during drop-off/pickup): 0

C. Total Number: 18

12. Method of transferring children between staff and parents/guardians:

XX Parents/guardians will park vehicles and walk children to meet daycare center staff.

 Parents/guardians will wait in their vehicles in driveway/parking area and daycare center staff will meet children at vehicle.

_____ Other, please describe.

13. Written description of drop-off/pickup plan including direction of travel for vehicles entering/exiting site. Attach a site plan that illustrates the proposed plan including the building, the location of off-street parking spaces, and the movement of vehicles during drop-off and pickup times.
-

As set forth in the SUP, Blue Bird uses the playground in the 200 block of Commerce Street for the children to get fresh air and exercise at recess. We understand that there has been a neighbor complaint about parents arriving to pick up their children while the children are at the playground.

Fundamentally, Blue Bird does not believe this parent pickup constitutes a problem worthy of attention. This happens, at most, 1) for the minority of children who go to the playground, 2) on days nice enough for the children to be at the playground, 3) when the parent happens to come at the time their child is actually at the playground.

However, in light of the fact that the City has threatened violation notices, Blue Bird is willing to offer formal revisions to its pick-up procedures as follows:

Blue Bird is not able to control when parents arrive to pick up their children. Regional traffic, and each parent's work and life schedules are different. If a parent arrives at a time that their child is at the playground, Blue Bird cannot withhold the child from their parent, subject to a march back to the daycare center a block and a half away.

Relatedly, Blue Bird cannot control from what direction individual parents traverse the public two-way Commerce Street to arrive at the playground. Blue Bird would support a public initiative to make the 200 block of Commerce Street one-way, were that the City's desire.

Blue Bird would also support making the two parking spaces across from the playground into a non-exclusive Loading Zone, which could be used both by parents picking up their children as well as the Ice House at the corner of Commerce and Payne Streets, when it becomes occupied. For now, that facility has a double-wide curb-cut that goes unused where parents could stop temporarily while picking up their children.

Blue Bird will distribute a communication to all parents, quarterly, reminding them to pick up their children on the south side of the street. (This will of course result in parents and children crossing the street from the playground to the south side.) Blue Bird will also post a laminated sign on the outside fence of the playground with the Blue Bird logo and the words "NO STOPPING OR PICKUP THIS SIDE."

If stopping for any reason on the westbound (north) side of Commerce Street is prohibited and problematic, then Blue Bird requests that the City's parking enforcement patrol and enforce the prohibition, in conjunction with Blue Bird's efforts described above.

The majority of Blue Bird children would continue to be picked up at the daycare center itself.

Melissa Dunn

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, March 09, 2018 5:32 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care
Attachments: BLUE BIRD Childcare Pickup Revision Application.pdf

All,

Attached is a proposed revised pick-up plan for Blue Bird daycare. I attempted to be very clear in my narrative description of the area rather than do a site plan, since Commerce Street is a public street over which Blue Bird has no control or ability to govern.

Thank you very much for making this helpful administrative review process available.

Have a nice weekend. I'll be available for discussion whenever convenient for you.

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Wednesday, February 28, 2018 1:24 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: Blue Bird Day Care

Hi David, I am following up with you from our meeting earlier this month. We were expecting to see a revised drop off and pick up plan for Blue Bird Day Care and have yet to receive it. We've received another complaint regarding pick up in the evening pickups from the playground at 211 Commerce Street and parents parking the wrong way on the street when they are there to pick up kids.

Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

RE: Loading Zone

David Chamowitz

Sent: Friday, May 04, 2018 11:34 AM

To: Bob Garbacz [bob.garbacz@alexandriava.gov]

Hi Bob,

The applicant owns Blue Bird Daycare, which has a playground at 211 Commerce Street that the kids use in the afternoons when weather allows. Sometimes, parents show to pick up their children while they're on the playground. In order to minimize traffic disruption during this operation, we are requesting that a two space Loading Zone be established curbside along the south/east side of the street.

Directly across the street from the playground, there are two curb cuts which enclose two spaces that are currently zoned 3-hour parking. Our request is that these two spaces become Loading Zone from 3-6pm on weekdays.

Please let me know if there's any additional information I can provide.

--Dave

David L. Chamowitz
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(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]

Sent: Thursday, May 03, 2018 4:06 PM

To: David Chamowitz

Subject: RE: Loading Zone

Dave – Email me a request stating: 1) exactly where you want the loading zone; 2) the size of the loading zone; 3) the days and hours of operation; and, 4) why a loading zone is needed.

Thanks,

Bob Garbacz
Division Chief/ Transportation
Alexandria, VA
703-746-4143

From: David Chamowitz <dchamowitz@chamlaw.com>

Sent: Thursday, May 03, 2018 12:36 PM

To: Bob Garbacz <Bob.Garbacz@alexandriava.gov>

Cc: Madeleine Sims <madeleine.sims@alexandriava.gov>

Subject: Loading Zone

Hi Bob,

In connection with a request for an amendment to a drop-off/pick-up plan for a daycare, my client would like to apply for a two-space loading zone in the 200-block of Commerce Street.

It has been a long time since I've had a matter before the Traffic and Parking Board; Can you point me towards the current requirements for an application? Thank you,

--Dave

David L. Chamowitz
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Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

Melissa Dunn

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Tuesday, June 12, 2018 3:13 PM
To: Bob Garbacz
Cc: Katy North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Hi Bob,

Thank you for your assistance so far. My client has decided to withdraw his request for a Loading Zone from the June docket of the Traffic & Parking Board. We will contact you again should we wish to pursue the matter further.

Kind Regards,

--Dave

David L. Chamowitz
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118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]
Sent: Friday, May 18, 2018 4:18 PM
To: David Chamowitz
Cc: Katy North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

David – Thanks, that’s fine. I’ll need a good narrative explaining why the change is needed.

Thanks,
Bob

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, May 18, 2018 4:07 PM
To: Bob Garbacz <Bob.Garbacz@alexandriava.gov>
Cc: Katy North <katye.north@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Thank you. I appreciate it. We'll take the June hearing.

I'll expect objections, and can anticipate from where at least some of them will come. I'm also cognizant of the fact that the block was just converted from unrestricted to 3-hr last year, so will probably hear a general objection about the frequency of changes. I regret the bad timing, but our issue seems to have arisen contemporaneously.

I'm sure we'll have reason to be in touch between now and mid-June. Thanks all. Have a good weekend.

--Dave

David L. Chamowitz
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(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]
Sent: Thursday, May 17, 2018 4:52 PM
To: David Chamowitz
Cc: Katie North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Dave – The Blue Bird Daycare already has a loading zone that is equal to if not larger than other daycares in the City. Blue Bird needs to make the case that adding a second loading zone, denying parking from other businesses and residents, is in the City's best interest. If you want to take this issue before the Board next month I'm happy to place it on the docket, just know upfront that you need to make a good argument.

Thanks,
Bob

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Tuesday, May 15, 2018 5:09 PM
To: Bob Garbacz <Bob.Garbacz@alexandriava.gov>
Cc: Katie North <katie.north@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Bob, thanks for the response.

It seems unlikely that the Director of T&ES can take no action on "[any] matter concerning traffic or parking" unless it has been previously heard by the TPB.

Conversely, if the TPB dockets are only populated by those things the Director has predetermined he will take action on, the TPB exists purely as a rubber stamp? Do the citizen members know that?

I have a client who is convinced that the City is discriminating against him, and is inclined to be litigious and pugilistic.

I have been around too long to agree with him. I know that sometimes you win, and sometimes you lose, but Staff applies the rules evenly and everybody gets a fair shake. So, I have been doing my level best to encourage him to make good-faith use of the processes the City has in place. I have appreciated Ann and Madeleine's help with those processes so far.

I'm at a loss to explain to him why he is not entitled to a public hearing before a board composed of his fellow citizens that literally exists to consider this very issue, and does so frequently.

On the September 2017 TPB docket, four existing on-street parking spaces were converted to *two* loading zones to facilitate drop-off and pickup from a daycare facility, in response to a direct request from that facility. My client's matter is so different? He doesn't even get a hearing?

Thank you all for your consideration.

--Dave

David L. Chamowitz
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dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]
Sent: Tuesday, May 15, 2018 3:29 PM
To: David Chamowitz
Cc: Katie North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: FW: Blue Bird Day Care

Hi Dave – I wanted to let you know that we are not taking this issue to the Traffic and Parking Board. The code says that the Board hears all matters prior to action by the director. Since the director is not taking an action, the Board does not need to hear the issue. I apologize for the misunderstanding.

Thanks,

Bob Garbacz
Division Chief/ Transportation
Alexandria, VA
703-746-4143

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, May 14, 2018 1:38 PM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>
Cc: Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Katie North <katie.north@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Hi Ann and everyone,

Regarding the application to the Traffic and Parking Board (TPB): I appreciate T&ES Staff considering the matter, and your conveying to me their position. But it is my understanding that under the City Code (as cited in a worksession last month), the TPB is the arbiter of such things, and is charged with making a recommendation to the Director of T&ES or the City Manager. Section 5-8-3 provides that "**all** matters concerning traffic [and] parking . . . shall be presented to the board for its consideration..." (bold emphasis in Staff presentation attached hereto; underlined emphasis mine)

My client wishes to proceed to a Traffic and Parking Board hearing on its application for a two-space loading zone in the location and for the time period specified in my May 4 email to Bob Garbacz. I have attached it for reference.

Thank you,

--Dave

David L. Chamowitz
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Alexandria, VA 22314
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(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Ann Horowitz [ann.horowitz@alexandriava.gov]
Sent: Friday, May 11, 2018 4:32 PM
To: David Chamowitz
Cc: Mary Christesen; Madeleine Sims; Katye North; Leonard Richards
Subject: RE: Blue Bird Day Care

Dave,

Thank you for agreeing to pursue approval of a loading zone from the Traffic and Parking Board this month. Recently, colleagues in the Transportation & Environmental Services, who are involved with this Board, have informed us that they would not support a loading zone on the 200 block of Commerce Street as a "no parking" limitation on the north side of the block must be maintained due to the narrow width of the street. In addition, the south side of the block includes a number of curb cuts and few parking spaces to support a loading zone.

As you are aware, an approved pick up and drop off plan exists and can be found on pages 29-30 of the attached SUP and related materials. This requires that parents pick up and drop off children in the four-space loading zone, located in the cu-de-sac in front of the 346 Commerce Street entrance of the day care establishment. In addition, condition #8 of SUP 2007-0064 (page 5) requires that "[L]legal parking spaces or the designated loading zone must be used when dropping off or picking up children from the center." The pick-up and drop off plan does not include an option for parents to park on the 200 block of Commerce Street or any other street other than the loading zone area in front of 346 Commerce Street.

In the absence of a revised pick up and drop off plan, approved by staff, the applicant must adhere to Condition #8 and to the existing pick up and drop off plan unless and until a revised plan has been submitted and approved by staff. Violations of the condition and/or the pick up and drop off plan will result in enforcement action. Please advise your client to inform the parents of the Bluebird day care establishment's pick up and drop off plan. For parents who are picking children up at the playground, they can park in the existing loading zone spaces at 346 Commerce Street for up to 10 minutes, activate the hazard lights, and walk to the playground and back to their cars with their children.

We appreciate your client's immediate cooperation with all terms and conditions of the SUP and the pick up and drop off plan.

Thank you.

Ann

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Thursday, May 03, 2018 12:37 PM
To: Madeleine Sims <madeleine.sims@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Understood. I'll email him right now.

We continue to believe that Blue Bird is not in violation of its SUP conditions for the reasons set forth in my initial email to Mr. Richards in November, but I have encouraged my client that attempting to use the City processes available can be an alternative to contesting every adverse ruling.

Thanks for your assistance in this.

--Dave

David L. Chamowitz
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(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, May 03, 2018 10:40 AM
To: David Chamowitz
Cc: Ann Horowitz; Mary Christesen
Subject: Re: Blue Bird Day Care

Dave,

We have received another complaint about pick-ups occurring at the playground where parents are parking the opposite way. With a maximum of 20 students being pick-up at the playground, a two space loading zone should be established. Because of this complaint, we need to accelerate the pace of this pick-up and drop-off letter. You need to contact Bob Garbacz, bob.garbacz@alexandriava.gov, to apply for a loading zone. Please do this as soon as possible to get on the May docket and let me know when you have confirmed this.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 30, 2018 9:33:51 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

In order to be on the high side, I think I would estimate 20, staggered over the course of two hours. As with any other business, Blue Bird isn't able to control when its customers arrive.

Thanks much,

--Dave

David L. Chamowitz

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118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Monday, April 16, 2018 2:38 PM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

We need to know an estimate of how many children get picked up from the playground, what would be the maximum? I understand this fluctuating depending on the day (and weather patterns), however we need to ensure the loading area is sufficient for pick-up. The current proposal for pick-up at includes using on-street parking spaces as pick-up areas (playground area), these spaces would have to be converted to a loading zone in order to use the spaces for loading. If you wish to pursue this please contact Bob Garbacz (bob.garbacz@alexandriava.gov), T&ES, who can work with you and the Traffic and Parking Board to convert the spaces to a loading zone. Please let me know an estimated number of children who are picked up at the playground so that we can determine how large a loading zone would need to be to accommodate pick-up.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 16, 2018 11:20:00 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

Thanks for the email.

Many of the kids are too young to go to the playground, much of the year is too cold to ever go to the playground, and even in the temperate season they don't go in inclement weather. Of kids that go to the playground, a small number of their parents happen to come for pickup while they're there. (I think I said some of this in the filing; I'm just repeating it for context of the number of actual pickups, not to drum it in.)

The maximum possible number of children permitted for safety reasons to be on the playground at a time is 60. That capacity does not occur frequently; what actually happens is that the classes rotate through so it's not too crowded.

Yes, to the best of our knowledge, of parents who arrive to pick their kids up in a car at the actual day care center, they use the cul-de-sac.

Oh, interesting about the 200 Commerce Street. Thanks for that info. I haven't seen any activity over there, but take your point about the use of the curbcut into the future. That same company just opened a place at Pentagon Row, and also comes out to a farmer's market in Washington, VA that I go to lots of weekends.

--Dave

David L. Chamowitz
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(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, April 12, 2018 10:18 AM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

I am working on updating a pick up and drop off agreement for Blue Bird. I have a few questions to help clarify what will be happening. How many children will be picked up from the playground? I understand that not all children will be picked up from there, seeing as there are 145, however I need to know how many children would be at the playground when in use and how many could be picked-up. That being said, is the cul-de-sac being used for loading for the other children if they are not at the playground. Lastly, in fall of 2017 an administrative SUP was approved for a coffee shop at 200 Commerce Street, they indicated in their application that the curb cut would be used to pull onto the property for deliveries.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Wednesday, March 28, 2018 3:49:40 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

All,

Attached is a PDF site plan associated the the previously-provided Day Care Pickup Proposal.

Thanks,

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Thursday, March 22, 2018 8:18 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Hi David, You are correct. The form was attached, but we do need a plan showing the details of the drop off/pick up.

Ann is coordinating with BAR staff to schedule a meeting for 309 N Patrick Street. I am out of the office starting tomorrow, so she or Madeleine will be in touch with a proposed date/time.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, March 09, 2018 5:32 PM
To: Mary Christesen <Mary.Christesen@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

All,

Attached is a proposed revised pick-up plan for Blue Bird daycare. I attempted to be very clear in my narrative description of the area rather than do a site plan, since Commerce Street is a public street over which Blue Bird has no control or ability to govern.

Thank you very much for making this helpful administrative review process available.

Have a nice weekend. I'll be available for discussion whenever convenient for you.

--Dave

David L. Chamowitz
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From: Mary Christesen [Mary.Christesen@alexandriava.gov]

Sent: Wednesday, February 28, 2018 1:24 PM

To: David Chamowitz

Cc: Ann Horowitz; Madeleine Sims; Leonard Richards

Subject: Blue Bird Day Care

Hi David, I am following up with you from our meeting earlier this month. We were expecting to see a revised drop off and pick up plan for Blue Bird Day Care and have yet to receive it. We've received another complaint regarding pick up in the evening pickups from the playground at 211 Commerce Street and parents parking the wrong way on the street when they are there to pick up kids.

Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen

Acting Land Use Services Division Chief

Department of Planning and Zoning

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703.746.3840

Melissa Dunn

From: Bob Garbacz
Sent: Friday, May 18, 2018 4:18 PM
To: David Chamowitz
Cc: Katie North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

David – Thanks, that’s fine. I’ll need a good narrative explaining why the change is needed.

Thanks,
Bob

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, May 18, 2018 4:07 PM
To: Bob Garbacz <Bob.Garbacz@alexandriava.gov>
Cc: Katie North <katie.north@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Thank you. I appreciate it. We'll take the June hearing.

I'll expect objections, and can anticipate from where at least some of them will come. I'm also cognizant of the fact that the block was just converted from unrestricted to 3-hr last year, so will probably hear a general objection about the frequency of changes. I regret the bad timing, but our issue seems to have arisen contemporaneously.

I'm sure we'll have reason to be in touch between now and mid-June. Thanks all. Have a good weekend.

--Dave

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dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]
Sent: Thursday, May 17, 2018 4:52 PM
To: David Chamowitz
Cc: Katie North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Dave – The Blue Bird Daycare already has a loading zone that is equal to if not larger than other daycares in the City. Blue Bird needs to make the case that adding a second loading zone, denying parking from other businesses and residents, is in the City’s best interest. If you want to take this issue before the Board next month I’m happy to place it on the docket, just know upfront that you need to make a good argument.

Thanks,

Bob

From: David Chamowitz <dchamowitz@chamlaw.com>

Sent: Tuesday, May 15, 2018 5:09 PM

To: Bob Garbacz <Bob.Garbacz@alexandriava.gov>

Cc: Katye North <katye.north@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>

Subject: RE: Blue Bird Day Care

Bob, thanks for the response.

It seems unlikely that the Director of T&ES can take no action on "[any] matter concerning traffic or parking" unless it has been previously heard by the TPB.

Conversely, if the TPB dockets are only populated by those things the Director has predetermined he will take action on, the TPB exists purely as a rubber stamp? Do the citizen members know that?

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On the September 2017 TPB docket, four existing on-street parking spaces were converted to *two* loading zones to facilitate drop-off and pickup from a daycare facility, in response to a direct request from that facility. My client's matter is so different? He doesn't even get a hearing?

Thank you all for your consideration.

--Dave

David L. Chamowitz
Chamowitz & Chamowitz, P.C.
118 N. Alfred St.
Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]

Sent: Tuesday, May 15, 2018 3:29 PM

To: David Chamowitz

Cc: Katye North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards

Subject: FW: Blue Bird Day Care

Hi Dave – I wanted to let you know that we are not taking this issue to the Traffic and Parking Board. The code says that the Board hears all matters prior to action by the director. Since the director is not taking an action, the Board does not need to hear the issue. I apologize for the misunderstanding.

Thanks,

Bob Garbacz
Division Chief/ Transportation
Alexandria, VA
703-746-4143

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, May 14, 2018 1:38 PM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>
Cc: Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Katy North <[katye.north@alexandriava.gov](mailto:katy.north@alexandriava.gov)>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Hi Ann and everyone,

Regarding the application to the Traffic and Parking Board (TPB): I appreciate T&ES Staff considering the matter, and your conveying to me their position. But it is my understanding that under the City Code (as cited in a worksession last month), the TPB is the arbiter of such things, and is charged with making a recommendation to the Director of T&ES or the City Manager. Section 5-8-3 provides that "**all matters concerning traffic [and] parking . . . shall be presented to the board for its consideration...**" (bold emphasis in Staff presentation attached hereto; underlined emphasis mine)

My client wishes to proceed to a Traffic and Parking Board hearing on its application for a two-space loading zone in the location and for the time period specified in my May 4 email to Bob Garbacz. I have attached it for reference.

Thank you,

--Dave

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dchamowitz@chamlaw.com

From: Ann Horowitz [ann.horowitz@alexandriava.gov]
Sent: Friday, May 11, 2018 4:32 PM
To: David Chamowitz
Cc: Mary Christesen; Madeleine Sims; Katy North; Leonard Richards
Subject: RE: Blue Bird Day Care

Dave,

Thank you for agreeing to pursue approval of a loading zone from the Traffic and Parking Board this month. Recently, colleagues in the Transportation & Environmental Services, who are involved with this Board, have informed us that they would not support a loading zone on the 200 block of Commerce Street as a "no parking" limitation on the north side of the block must be maintained due to the narrow width of the street. In addition, the south side of the block includes a number of curb cuts and few parking spaces to support a loading zone.

As you are aware, an approved pick up and drop off plan exists and can be found on pages 29-30 of the attached SUP and related materials. This requires that parents pick up and drop off children in the four-space loading zone, located in the cu-de-sac in front of the 346 Commerce Street entrance of the day care establishment. In addition, condition #8 of SUP 2007-0064 (page 5) requires that “[L]egal parking spaces or the designated loading zone must be used when dropping off or picking up children from the center.” The pick-up and drop off plan does not include an option for parents to park on the 200 block of Commerce Street or any other street other than the loading zone area in front of 346 Commerce Street.

In the absence of a revised pick up and drop off plan, approved by staff, the applicant must adhere to Condition #8 and to the existing pick up and drop off plan unless and until a revised plan has been submitted and approved by staff. Violations of the condition and/or the pick up and drop off plan will result in enforcement action. Please advise your client to inform the parents of the Bluebird day care establishment’s pick up and drop off plan. For parents who are picking children up at the playground, they can park in the existing loading zone spaces at 346 Commerce Street for up to 10 minutes, activate the hazard lights, and walk to the playground and back to their cars with their children.

We appreciate your client’s immediate cooperation with all terms and conditions of the SUP and the pick up and drop off plan.

Thank you.

Ann

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Thursday, May 03, 2018 12:37 PM
To: Madeleine Sims <madeleine.sims@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>
Subject: RE: Blue Bird Day Care

Understood. I'll email him right now.

We continue to believe that Blue Bird is not in violation of its SUP conditions for the reasons set forth in my initial email to Mr. Richards in November, but I have encouraged my client that attempting to use the City processes available can be an alternative to contesting every adverse ruling.

Thanks for your assistance in this.

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dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, May 03, 2018 10:40 AM
To: David Chamowitz
Cc: Ann Horowitz; Mary Christesen
Subject: Re: Blue Bird Day Care

Dave,

We have received another complaint about pick-ups occurring at the playground where parents are parking the opposite way. With a maximum of 20 students being pick-up at the playground, a two space loading zone should be established. Because of this complaint, we need to accelerate the pace of this pick-up and drop-off letter. You need to contact Bob Garbacz, bob.garbacz@alexandriava.gov, to apply for a loading zone. Please do this as soon as possible to get on the May docket and let me know when you have confirmed this.

Kind regards,

Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
301 King Street Room 2100 Alexandria, VA 22314
703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 30, 2018 9:33:51 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

In order to be on the high side, I think I would estimate 20, staggered over the course of two hours. As with any other business, Blue Bird isn't able to control when its customers arrive.

Thanks much,

--Dave

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dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Monday, April 16, 2018 2:38 PM
To: David Chamowitz

Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

We need to know an estimate of how many children get picked up from the playground, what would be the maximum? I understand this fluctuating depending on the day (and weather patterns), however we need to ensure the loading area is sufficient for pick-up. The current proposal for pick-up at includes using on-street parking spaces as pick-up areas (playground area), these spaces would have to be converted to a loading zone in order to use the spaces for loading. If you wish to pursue this please contact Bob Garbacz (bob.garbacz@alexandriava.gov), T&ES, who can work with you and the Traffic and Parking Board to convert the spaces to a loading zone. Please let me know an estimated number of children who are picked up at the playground so that we can determine how large a loading zone would need to be to accommodate pick-up.

Kind regards,

Madeleine

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www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 16, 2018 11:20:00 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

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Thanks for the email.

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dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, April 12, 2018 10:18 AM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

I am working on updating a pick up and drop off agreement for Blue Bird. I have a few questions to help clarify what will be happening. How many children will be picked up from the playground? I understand that not all children will be picked up from there, seeing as there are 145, however I need to know how many children would be at the playground when in use and how many could be picked-up. That being said, is the cul-de-sac being used for loading for the other children if they are not at the playground. Lastly, in fall of 2017 an administrative SUP was approved for a coffee shop at 200 Commerce Street, they indicated in their application that the curb cut would be used to pull onto the property for deliveries.

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From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Wednesday, March 28, 2018 3:49:40 PM

To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

All,

Attached is a PDF site plan associated the the previously-provided Day Care Pickup Proposal.

Thanks,

--Dave

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dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Thursday, March 22, 2018 8:18 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Hi David, You are correct. The form was attached, but we do need a plan showing the details of the drop off/pick up.

Ann is coordinating with BAR staff to schedule a meeting for 309 N Patrick Street. I am out of the office starting tomorrow, so she or Madeleine will be in touch with a proposed date/time.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Friday, March 09, 2018 5:32 PM
To: Mary Christesen <Mary.Christesen@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

All,

Attached is a proposed revised pick-up plan for Blue Bird daycare. I attempted to be very clear in my narrative description of the area rather than do a site plan, since Commerce Street is a public street over which Blue Bird has no control or ability to govern.

Thank you very much for making this helpful administrative review process available.

Have a nice weekend. I'll be available for discussion whenever convenient for you.

--Dave

David L. Chamowitz
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(703) 548-0110 phone
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From: Mary Christesen [Mary.Christesen@alexandriava.gov]

Sent: Wednesday, February 28, 2018 1:24 PM

To: David Chamowitz

Cc: Ann Horowitz; Madeleine Sims; Leonard Richards

Subject: Blue Bird Day Care

Hi David, I am following up with you from our meeting earlier this month. We were expecting to see a revised drop off and pick up plan for Blue Bird Day Care and have yet to receive it. We've received another complaint regarding pick up in the evening pickups from the playground at 211 Commerce Street and parents parking the wrong way on the street when they are there to pick up kids.

Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

Melissa Dunn

From: Bob Garbacz
Sent: Thursday, May 17, 2018 4:53 PM
To: David Chamowitz
Cc: Katy North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

Dave – The Blue Bird Daycare already has a loading zone that is equal to if not larger than other daycares in the City. Blue Bird needs to make the case that adding a second loading zone, denying parking from other businesses and residents, is in the City's best interest. If you want to take this issue before the Board next month I'm happy to place it on the docket, just know upfront that you need to make a good argument.

Thanks,
Bob

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Tuesday, May 15, 2018 5:09 PM
To: Bob Garbacz <Bob.Garbacz@alexandriava.gov>
Cc: Katy North <katye.north@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

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Thank you all for your consideration.

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dchamowitz@chamlaw.com

From: Bob Garbacz [bob.garbacz@alexandriava.gov]
Sent: Tuesday, May 15, 2018 3:29 PM
To: David Chamowitz
Cc: Katy North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: FW: Blue Bird Day Care

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Alexandria, VA
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From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, May 14, 2018 1:38 PM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>
Cc: Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Katy North <katye.north@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
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From: Ann Horowitz [ann.horowitz@alexandriava.gov]
Sent: Friday, May 11, 2018 4:32 PM
To: David Chamowitz
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Subject: RE: Blue Bird Day Care

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Thank you.

Ann

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Sent: Thursday, May 03, 2018 12:37 PM
To: Madeleine Sims <madeleine.sims@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>
Subject: RE: Blue Bird Day Care

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dchamowitz@chamlaw.com

From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, May 03, 2018 10:40 AM
To: David Chamowitz
Cc: Ann Horowitz; Mary Christesen
Subject: Re: Blue Bird Day Care

Dave,

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Madeleine

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City of Alexandria, Virginia
Planning & Zoning / Land Use Services
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www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 30, 2018 9:33:51 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

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Thanks much,

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From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Monday, April 16, 2018 2:38 PM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

David,

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Planning & Zoning / Land Use Services
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From: David Chamowitz <dchamowitz@chamlaw.com>

Sent: Monday, April 16, 2018 11:20:00 AM

To: Madeleine Sims
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Subject: RE: Blue Bird Day Care

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From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, April 12, 2018 10:18 AM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

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From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Wednesday, March 28, 2018 3:49:40 PM
To: Mary Christesen
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: RE: Blue Bird Day Care

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Thanks,

--Dave

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To: Mary Christesen <Mary.Christesen@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

All,

Attached is a proposed revised pick-up plan for Blue Bird daycare. I attempted to be very clear in my narrative description of the area rather than do a site plan, since Commerce Street is a public street over which Blue Bird has no control or ability to govern.

Thank you very much for making this helpful administrative review process available.

Have a nice weekend. I'll be available for discussion whenever convenient for you.

--Dave

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Alexandria, VA 22314
(703) 548-0110 phone
(703) 836-8857 fax
dchamowitz@chamlaw.com

From: Mary Christesen [Mary.Christesen@alexandriava.gov]
Sent: Wednesday, February 28, 2018 1:24 PM
To: David Chamowitz
Cc: Ann Horowitz; Madeleine Sims; Leonard Richards
Subject: Blue Bird Day Care

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Can you let us know when we should expect to see the revised pick up/ drop off plan submitted?

Let us know if you have any questions.

Mary Christesen
Acting Land Use Services Division Chief
Department of Planning and Zoning
City of Alexandria
703.746.3840

Melissa Dunn

From: Bob Garbacz
Sent: Tuesday, May 15, 2018 3:29 PM
To: dchamowitz@chamlaw.com
Cc: Katy North; Ann Horowitz; Mary Christesen; Madeleine Sims; Leonard Richards
Subject: FW: Blue Bird Day Care

Hi Dave – I wanted to let you know that we are not taking this issue to the Traffic and Parking Board. The code says that the Board hears all matters prior to action by the director. Since the director is not taking an action, the Board does not need to hear the issue. I apologize for the misunderstanding.

Thanks,

Bob Garbacz
Division Chief/ Transportation
Alexandria, VA
703-746-4143

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, May 14, 2018 1:38 PM
To: Ann Horowitz <ann.horowitz@alexandriava.gov>
Cc: Mary Christesen <Mary.Christesen@alexandriava.gov>; Madeleine Sims <madeleine.sims@alexandriava.gov>; Katy North <katye.north@alexandriava.gov>; Leonard Richards <leonard.richards@alexandriava.gov>
Subject: RE: Blue Bird Day Care

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My client wishes to proceed to a Traffic and Parking Board hearing on its application for a two-space loading zone in the location and for the time period specified in my May 4 email to Bob Garbacz. I have attached it for reference.

Thank you,

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Sent: Friday, May 11, 2018 4:32 PM
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Cc: Mary Christesen; Madeleine Sims; Katye North; Leonard Richards
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In the absence of a revised pick up and drop off plan, approved by staff, the applicant must adhere to Condition #8 and to the existing pick up and drop off plan unless and until a revised plan has been submitted and approved by staff. Violations of the condition and/or the pick up and drop off plan will result in enforcement action. Please advise your client to inform the parents of the Bluebird day care establishment's pick up and drop off plan. For parents who are picking children up at the playground, they can park in the existing loading zone spaces at 346 Commerce Street for up to 10 minutes, activate the hazard lights, and walk to the playground and back to their cars with their children.

We appreciate your client's immediate cooperation with all terms and conditions of the SUP and the pick up and drop off plan.

Thank you.

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From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Thursday, May 03, 2018 12:37 PM
To: Madeleine Sims <madeleine.sims@alexandriava.gov>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov>; Mary Christesen <Mary.Christesen@alexandriava.gov>
Subject: RE: Blue Bird Day Care

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To: David Chamowitz
Cc: Ann Horowitz; Mary Christesen
Subject: Re: Blue Bird Day Care

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Kind regards,

Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
Planning & Zoning / Land Use Services
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703.746.3802, direct
www.alexandriava.gov

From: David Chamowitz <dchamowitz@chamlaw.com>
Sent: Monday, April 30, 2018 9:33:51 AM
To: Madeleine Sims
Cc: Ann Horowitz
Subject: RE: Blue Bird Day Care

Hi Madeleine,

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Thanks much,

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From: Madeleine Sims [Madeleine.Sims@alexandriava.gov]
Sent: Thursday, April 12, 2018 10:18 AM
To: David Chamowitz
Cc: Ann Horowitz
Subject: Re: Blue Bird Day Care

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All,

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Thanks,

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Attachments: TPB Worksession Presentation April 2018.pdf; Email DLC to Garbacz re Loading Zone.pdf

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Department of Planning and Zoning
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Docket Item #7
SPECIAL USE PERMIT #2007-0064

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a daycare center.

APPLICANT: J, S and Family

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 1447 Duke Street, 346 Commerce Street & 211 Commerce Street

ZONE: CD/Commercial Downtown

CITY COUNCIL ACTION, OCTOBER 13, 2007: City Council approved the Planning Commission recommendation with an additional amendment requiring the applicant to display the number of children being served at the facility.

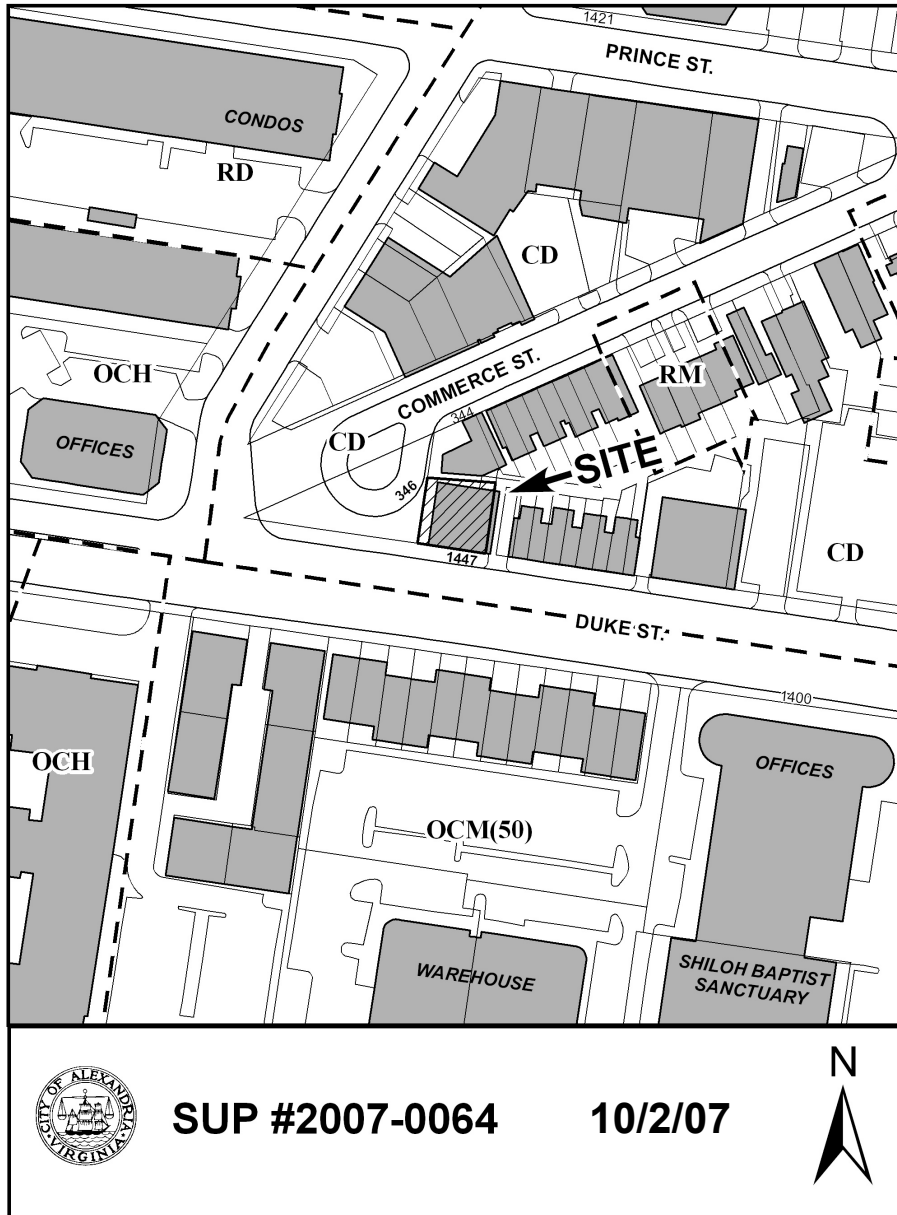
PLANNING COMMISSION ACTION, OCTOBER 2, 2007: On a motion by Mr. Komoroske and seconded by Mr. Robinson, the Planning Commission voted to recommend approval subject to compliance with all applicable codes, ordinances, and staff recommendations. The Planning Commission directed staff to evaluate the applicant's request for greater enrollment before the October 13 City Council hearing. The motion carried on a vote of 6-0-1. Mr. Dunn recused himself.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Ms. Ulka Patel, of Nealon & Associates, representing the applicant, requested an amendment to condition number 2 to allow for a total of 147 children to be cared for at the center. The request was prompted by a re-evaluation of the property by Virginia Department of Social Services.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



I. DISCUSSION

REQUEST

The applicant, J, S and Family, requests special use permit approval for the operation of a day care and private school located at 1447 Duke Street.

SITE DESCRIPTION

The subject property is one lot of record with 52 feet of frontage on Duke Street, 54 feet of depth and a total lot area of 2,943 square feet. The site is developed with a three story office building. Access to the property is from Duke Street and Commerce Street.



The surrounding area is occupied by a mix of residential and office uses. Immediately to the north are residential townhouses. To the south are townhouses developed with offices and residences. To the east are residential townhouses and to the west are offices.

BACKGROUND

On September 18, 1999, City Council granted Special Use Permit #99-0068 to St. Coletta's Private School for the operation of a private school with 45 students, located at 1447 Duke Street. The off street parking was provided at Shiloh Baptist Church.

On November 20, 2006, staff administratively approved Special Use Permit #2006-0099, a change of ownership to Shiloh Baptist Church.

The subject property is not currently occupied.

PROPOSAL

The applicant proposes to operate a day care and private school for 111 students in the building located at 1447 Duke Street. The applicant anticipates 37 staff members to care for children and provide administrative support. The center will care for children aged six weeks to 12 years old. The applicant proposes to construct a private playground at 211 Commerce Street as an accessory use to the day care.

Hours: 7:00 am – 6:00 pm, Monday – Friday

Number of children: 111

- Noise: No anticipated noise impacts at 1447 Duke Street, the playground will have moderate noise levels from children playing outside
- Trash/Litter: Trash will be collected three times per week, staff will ensure that the children do not contribute to litter

PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a day care center requires two parking space for every classroom. A daycare center with nine classrooms will be required to provide 18 off-street parking spaces. The applicant is leasing the required spaces from Shiloh Baptist Church at 1401 Duke Street. Shiloh Baptist has included the stipulation that the parking will not be available on days when funerals are to be held at the church. The applicant has formulated a contingency plan for staff parking on these days. On days when Shiloh Baptist has a funeral scheduled, the day care staff will be able to park at the applicant's school in Mount Vernon which has an abundance of parking. The applicant will use the center's bus to shuttle employees to work from Fairfax County. Additionally the applicant will subsidize transit fare on days when the parking lot is not available.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503(G) of the Zoning Ordinance allows a day care center in the CD zone only with a special use permit.

The proposed use is consistent with the King Street/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for a mix of retail, office, and service uses.

II. STAFF ANALYSIS

Staff supports the application for child care at 1447 Duke Street. There is a great demand for quality child care in the city. With its proximity to both Old Town and the Carlyle development this location will provide convenient child care to many Alexandria residents and workers.

Staff recognizes the potential for traffic impacts on Duke Street with this use. Transportation & Environmental Services supports a loading zone at the terminus of Commerce Street for drop-off and pick-up of children. Staff has included a condition forbidding the use of Duke Street for purposes of drop-off and pick-up and a condition requiring the applicant to submit a comprehensive plan for managing the drop-off and pick-up of children to Planning & Zoning.

The applicant has acquired the property at 211 Commerce Street to use as a playground for the children. This playground will be utilized by this daycare center and the Tiny Tots Playroom that the applicant operates at 1500 King Street. Although the proposed playground is approximately 800 feet from the subject property staff believes that this will be an acceptable site for a playground as the route is relatively free of traffic.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. No more than 145 children shall be permitted at the day care facility. (P&Z)
3. The applicant shall display the number of children being served per day. (City Council)
4. The hours of operation of the daycare center shall be limited to Monday through Friday, 7:00 am – 6:00 pm. (P&Z)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
7. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
8. Duke Street may not be used for the purpose of dropping off or picking up children from the center. (P&Z)
9. Legal parking spaces or the designated loading zone must be used when dropping off or picking up children from the center. (P&Z)
10. The applicant must submit a comprehensive plan for the management of drop-offs and pick-ups to the satisfaction of the Director of Planning & Zoning prior to issuance of an occupancy permit. (P&Z)

11. The outdoor play area located at 211 Commerce Street may not be used before 9:00 am. (P&Z)
12. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
13. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
14. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
15. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center. This is to be completed prior to the child care facility opening for business. (Police)
16. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for employees. (Police)
17. The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and again after one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 Staff supports the proposed loading zone from the cul-de-sac on Commerce Street. Loading zone will operate between 7-9:30 AM and 3:30-6PM. However, staff does not support the loading zone from Duke Street for the proposed day care facility.
- R-1 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-3 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- F-1 The current use is classified as E; the proposed use is I-4. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.

- F-2 The applicant shall submit a detailed floorplan, outlining dimensions of the proposed space to be used and any and all fire protection systems currently in place.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-3 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Certified Food Managers must be on duty during all hours of operation.
- C-3 Permits must be obtained prior to operation.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction.
- C-5 This facility must meet State and City Social Service requirements for air and floor space, toilet facilities, separate isolation room for sick children, lighting, temperature storage for cots, clothing. Other items may be required by state or city codes.
- C-6 If food preparation or food handling is done on the premises, five sets of plans of the food handling areas are to be submitted to the Health department for approval.

- C-7 This facility must meet commercial standards (13 or more). Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. A \$135.00 fee is required for plans review of food facilities.
- C-8 If enrollment is kept to a maximum of 12 children at any one time, the facility may use home-style (semi-public restaurant) standards for food service.

BAR:

- F-1 The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The request for a SUP for child day care uses at 1447 Duke Street does not appear to indicate any proposed exterior changes to the building at this time that would require a review by the BAR and the issuance of a Certificate of Appropriateness. The applicant is reminded that any future exterior changes, including new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.

Parks and Recreation:

- F-1 No comment.

Human Services:

- S-1 On Friday, July 27, 2007, representatives from the office for Early Childhood Development accompanied representatives of Planning and Zoning and Code Enforcement to 1447 Duke Street, which is the proposed site for Tiny Tots II.

Staff from the Office for Early Childhood Development recommended that the applicant:

- Review with state licensing and code enforcement the more restrictive requirements for a child development center for children below the age of 2.5 years;
- Work with an engineer and/or architect to create a detailed floor plan for the proposed use;
- Determine the additional cost (if any) of adapting this site to serve infants and the number of infants that site will accommodate;

- Based on the above information, determine the feasibility of operating a child care center in this location; and
- Work with Planning and Zoning to explore options for staff parking and pick-up and drop-off procedures in the circle drive in front of the building.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center. This is to be completed prior to the child care facility opening for business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for employees.

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314
703-746-4333

NOTICE OF VIOLATION

**YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

May 24, 2018 Thursday 4:20
Date of Violation Day of Week Time AM/PM

Location of Violation: 200 Commerce St

Ord. Section: 11-505

Description of Violation: SUP violation.

Condition 9 states "Legal parking
spaces or designated loading zone must
be used when dropping or picking up children"

Penalty \$: 50

- 1st fine 2nd
 3rd/MORE

**IF THE VIOLATION IS NOT CORRECTED BY 5/28/18
AN ADDITIONAL MONETARY PENALTY WILL BE AS-
SESSED.**

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

I hereby acknowledge receipt of this Notice of Viola-
tion. Signature is not an admission of guilt.

SIGNATURE DATE

Violator's Copy - White
City Attorney Copy - Yellow
Planning & Zoning Copy - Gold
Finance Copy - Pink

Individual/Business Responsible for Violation:

- PROPERTY/BUSINESS OWNER
 PROPERTY OCCUPANT

Bluebird of Alexandria
NAME
346 Commerce St
ADDRESS
Alexandria VA 22314
CITY/TOWN STATE ZIP

CERTIFICATION OF ISSUING AGENT

The undersigned states that he/she is an employee of the
City of Alexandria Department of Planning and Zoning, that
he/she personally observed or investigated the commission
of the violation noted above and/or the violation was based
upon a signed affidavit or other reliable evidence, and that on
the date of notice, a copy of this notice was:

- Hand delivered to _____
 Mailed/posted a true copy of this notice to the last known
home or business address of the respondent or the re-
spondent's agent

Bluebird of Alexandria
Name of Person or Business Served
346 Commerce St
Address of Service
Alexandria VA 22314
City/State/Zip

Posted true copy of this notice at the site of the infraction
Leonard Richards 5/25/18
Inspector's Signature ID Number Date
Print Name Leonard Richards
Phone # 703 746 3842

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
WITHIN 15 DAYS IN ONE OF THE FOLLOWING WAYS.
HOWEVER, ADDITIONAL NOTICES OF VIOLATION MAY
BE ISSUED WITHIN THAT TIME PERIOD IF WARRANT-
ED. FAILURE TO RESPOND TO THIS NOTICE WILL RE-
SULT IN THE FILING OF A CIVIL LAWSUIT TO ENFORCE
THE PENALTY IMPOSED HEREIN.

TICKET NO. **5023**

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail; print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, 22314, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-746-3902.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and:
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-746-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. To file such an appeal, you must file the appropriate paperwork and pay the appropriate fee for such appeal with the Department of Planning and Zoning. The interpretation shall be final and unappealable if not appealed within 30 days.

**YOU MUST COMPLETE AND SIGN
THIS CERTIFICATION:**

- Admit violation No contest Contest in Court

Name (print) _____

Street Address _____

City _____ State _____ Zip _____

Telephone Number _____

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature _____ Date _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314
703-746-4333

NOTICE OF VIOLATION

**YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

June 7, 2018 Thursday 4:21
Date of Violation Day of Week Time AM/PM

Location of Violation: 200 block Commerce St

Ord. Section: 11-505

Description of Violation: SUP violation
Condition 9 states "legal parking
spaces or designated loading zone
must be used when dropping off or picking
up children."

Penalty \$: 100

- 1st fine 2nd
 3rd/MORE _____

**IF THE VIOLATION IS NOT CORRECTED BY 6/15/18
AN ADDITIONAL MONETARY PENALTY WILL BE AS-
SESSED.**

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

I hereby acknowledge receipt of this Notice of Viola-
tion. Signature is not an admission of guilt.

SIGNATURE DATE

- Violator's Copy - White
City Attorney Copy - Yellow
Planning & Zoning Copy - Gold
Finance Copy - Pink

Individual/Business Responsible for Violation:

- PROPERTY/BUSINESS OWNER
 PROPERTY OCCUPANT

Bluebird of Alexandria
NAME
346 Commerce St
ADDRESS
Alexandria VA 22314
CITY/TOWN STATE ZIP

CERTIFICATION OF ISSUING AGENT

The undersigned states that he/she is an employee of the
City of Alexandria Department of Planning and Zoning, that
he/she personally observed or investigated the commission
of the violation noted above and/or the violation was based
upon a signed affidavit or other reliable evidence, and that on
the date of notice, a copy of this notice was:

- Hand delivered to _____
 Mailed/posted a true copy of this notice to the last known
home or business address of the respondent or the re-
spondent's agent

Bluebird of Alexandria
Name of Person or Business Served
346 Commerce St
Address of Service
Alexandria VA 22314
City/State/Zip

- Posted true copy of this notice at the site of the infraction

Leonard Richards 6/11/18
Inspector's Signature ID Number Date
Print Name Leonard Richards
Phone # 703-746-3842

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
WITHIN 15 DAYS IN ONE OF THE FOLLOWING WAYS.
HOWEVER, ADDITIONAL NOTICES OF VIOLATION MAY
BE ISSUED WITHIN THAT TIME PERIOD IF WARRANT-
ED. FAILURE TO RESPOND TO THIS NOTICE WILL RE-
SULT IN THE FILING OF A CIVIL LAWSUIT TO ENFORCE
THE PENALTY IMPOSED HEREIN.

TICKET NO. **5030**

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail; print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, 22314, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-746-3902.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
 - (a) Mail this completed notice to the Office of the City At-
torney, City Hall, Suite 1300, 301 King Street, Alexandria,
Virginia, 22314; or
 - (b) Appear in person or by authorized representative, at the
above address between the hours of 8:00 a.m. - 5:00 p.m.,
Monday-Friday, phone 703-746-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

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**YOU MUST COMPLETE AND SIGN
THIS CERTIFICATION:**

- Admit violation No contest Contest in Court

Name (print) _____
Street Address _____
City _____ State _____ Zip _____
Telephone Number _____

I hereby certify under penalty of law, that I have answered as indi-
cated above, and corrected or made substantial efforts to correct the
violation that I have admitted or for which I have pleaded no contest.

Signature _____ Date _____