D.C.-44
APRIL 1980

Memorandum • Government of the District of Columbia

TO: Advisory Neighborhood Commission ~~2C~~ 1D

Department, Agency, Office: BZA

FROM: Jerrily R. Kress, FAIA RSN
Director

Date: AUG 0 6 2003

SUBJECT: BZA Application No. 17065

In accordance with DCMR 3112.7 and 3113.7, you are hereby advised that the above-numbered application, which falls within the boundaries of your Advisory Neighborhood Commission, was filed with the BZA on 8-5-2003 **. A copy of the above-numbered application form is attached for your information and use. This is not a notice of public hearing on the application. You will receive notice of the hearing by mail and through the D.C. Register approximately forty (40) days in advance of the hearing. In accordance with 11 DCMR 3115, the written report of an ANC shall contain certain information specified in that section. A copy of Section 3115 is on the reverse side. If you have any questions, please contact the Office of Zoning at (202) 727-6311.**

BZA
Case No. 17065
Exhibit No. 29

APPROXIMATE HEARING DATE: Late Oct 03

Office of Advisory Neighborhood Commission
c/o Gottlieb Simon
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Board of Zoning Adjustment
District of Columbia
CASE NO. 17065
EXHIBIT NO. 29

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 17065

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
3636 16TH St. N.W.	2624	831	R-5-E	Special Exception	205.1

Present use(s) of Property:	Child Development Center 140 children 28 staff
Proposed use(s) of Property:	same

Owner of Property:	Jonathan Woodner Co	Telephone No:	(202) 328-2821
Address of Owner:	3636 16TH St. N.W.		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Application of GAP, Inc., pursuant to Sec. 3104.1, for a special exception approval to continue an existing Child Development Center (last approved by BZA Order # 16153) for not more than 140 children and 28 staff.

Estimated construction cost	$ N/A	Advisory Neighborhood Commission Single-Member District(s)	1D02

Date:	8/5/03	Signature:	Applicant* Edgar T. Nunley

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	Edgar T. Nunley				
Address:	4707 Brinkley Rd. Temple Hills, Md 20748				
Phone No.:	(301) 423-4968	Fax No.:	(301) 423-3552	E-Mail:	ed.nunley@verizon.net

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

August 4, 2003

Edgar T. Nunley
4707 Brinkley Road
Temple Hills, MD 20728

Re: 3636 – 16th Street, NW
Square: 2624 Lot: 831
Zoned: R-5-E

Dear Mr. Nunley:

Your certificate of occupancy application # 59534 filed on behalf of the GAP Community Child Care Center to use the subject premises for "Continued operation of a Child Development Center with a maximum of 140 children and 28 staff" is disapproved due to the need for Board of Zoning Adjustment approval.

You will be required to obtain a Special Exception under provisions of DCMR Title 11, Section 205.1 to continue your use in the R-5-E Zone.

The Board of Zoning Adjustment has authority to grant Special Exceptions under the provisions of DCMR Title 11, Section 3108.1.

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 – 4th Street, NW, when filing for the hearing. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Denzil L. Noble
Acting Zoning Administrator

dln/er

GAP INCORPORATED
GAP Community Child Care Center
3636 16th Street, N.W.
Washington, D.C. 20010

(202) 462-3636
(202) 462-5942 Fax

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Dear Sir/Madam:

This letter is to designate Mr. Edgar T. Nunley as authorized agent on behalf of the GAP, Incorporated, dba GAP Community Child Care Center for the purpose of filing an application to appear before the Board of Zoning Adjustment.

Thank you.

Sincerely,

Monica Guyot
Executive Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16153 of the Jonathan Woodner Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to expand an existing child development center from 75 to 140 children ages six weeks to 14 years and 28 staff on part of the first floor of an apartment building in an R-5-D District at premises 3636 16th Street, N.W., (Square 2624, Lot 831).

HEARING DATE: October 2, 1996
DECISION DATE: October 2, 1996 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1E. ANC 1E, which is automatically a party to the application, did not submit a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED SUBJECT** to the following **CONDITIONS:**

1. Approval shall be for a period of **SEVEN YEARS.**

2. The center shall serve a maximum of 140 children.

3. The number of employees shall not exceed 28 persons.

4. The days and hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday.

5. Seven parking spaces shall be provided at the site in the garage for the exclusive use of the GAP Community Child Care Center during its hours of operation. The spaces shall be marked.

6. The applicant shall provide written verification to the Board that the site has the potential for accommodating the additional 65 children.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Jerrily R. Kress, Sheila Cross Reid, Susan Morgan Hinton and Laura M. Richards to grant; Angel F. Clarens not present, not voting).

BY ORDER OF THE D.C. BOARD OF ~~ZONING~~ ADJUSTMENT

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: OCT 11 1996

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16153/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16153

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 11 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Lawrence and Monica Guyot
507 You Street, N.W.
Washington, D.C. 20001

Abby Gurevitch
2038 18th Street, N.W.
Washington, D.C. 20009

Mary Kate Lowndes
1990 K Street, N.W.
Washington, D.C. 20526

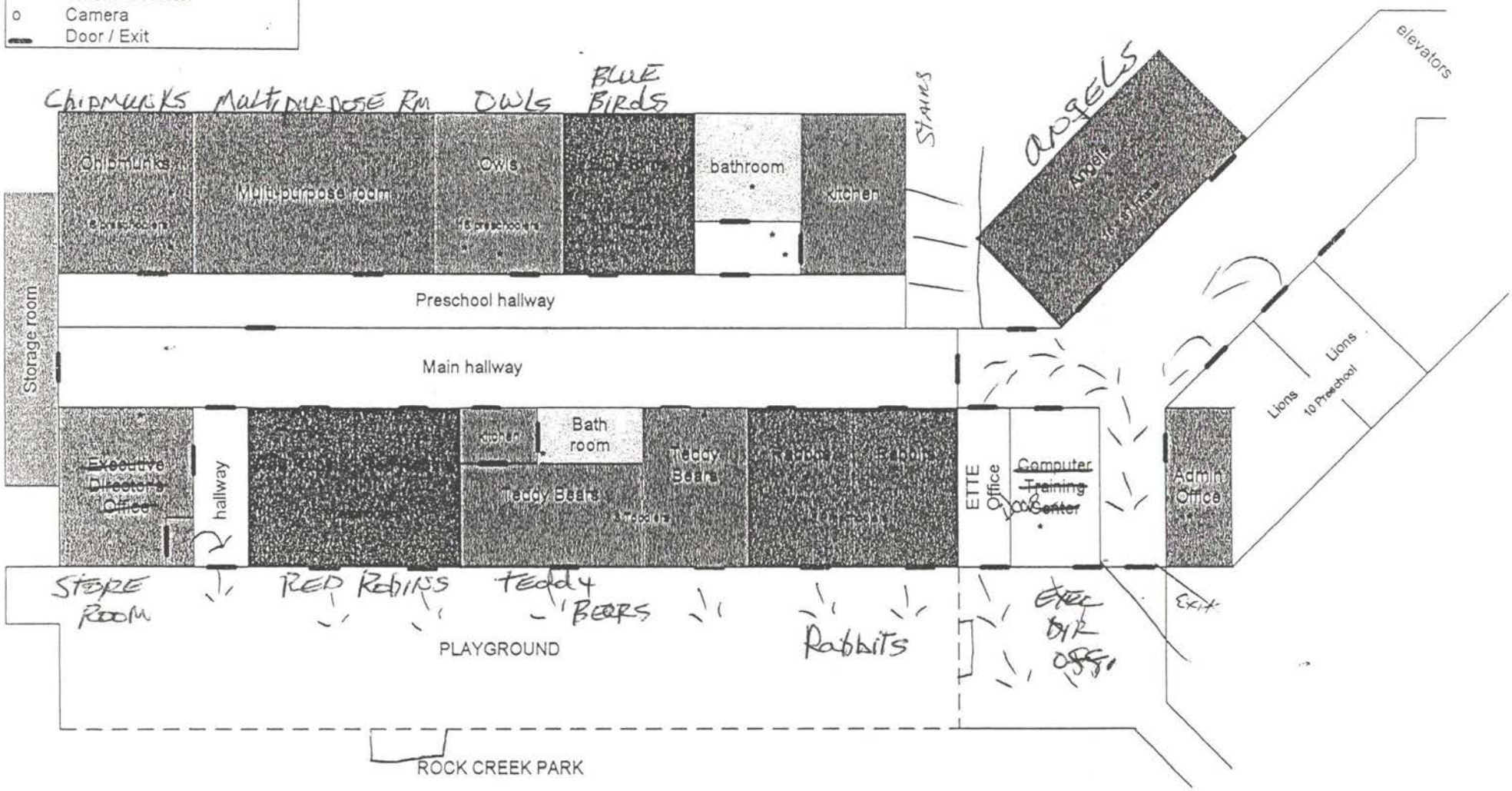
Robert Fleming, Chairperson
Advisory Neighborhood Commission 1E
P.O. Box 43529
Washington, D.C. 20010

Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

DATE: OCT 11 1996

Gap Community Child Care Center
Legend
* Smoke Detector
o Camera
Door / Exit



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH

HEALTH REGULATION ADMINISTRATION
CHILD & RESIDENTIAL CARE FACILITIES DIVISION

LICENSE FOR CHILD DEVELOPMENT FACILITY

License Number: CDC-908054

Type of Facility: Child Development Center
Maximum Capacity: 110

Date Issued: July 29, 2003
Date Expires: October 30, 2003
Hours of Service: 7:00am - 6:00pm

PERMISSION IS GIVEN TO: GAP COMMUNITY CHILD CARE CENTER #3
FACILITY ADDRESS: 3636 16TH ST NW

To establish, operate and maintain a Child Development Facility, subject to the following conditions, in accordance with Title 29 of the District of Columbia Municipal Regulations, Chapter 3, Child Development Facilities.

1: REISSUED: DUE TO INCREASE IN CAPACITY
AGES: SIX (6) WEEKS THRU FIVE (5) YEARS
OF AGE. ONLY SIXTY-FOUR (64) MAY BE UNDER TWO (2)YEARS OF AGE.

CONDITIONS:

1. The standards of care described in this regulation should be provided at all times in order to protect the health, welfare, and safety of the children.
2. The holder of this license shall, at all times, keep a register or records showing the children's names, ages, date admitted and discharged, the reason for discharge, as well as the names of parents or guardians and their addresses and telephone numbers.
3. The Director of Health or his designee shall have the right to inspect the above-named child development facility and the register or records kept.
4. If at any time there is evidence that the health, welfare, or safety of the children is threatened, the Director of Health shall, after a hearing, order this license revoked.
5. This license and the Certificate of Occupancy shall be posted at a conspicuous place on the licensed premises.

For the Director of Department of Health

By _____
Administrator, Health Regulation Administration

JUL 29 2003
Date

THIS PERMIT APPLIES ONLY TO THE LICENSEE AND ADDRESS GIVEN HEREIN AND IS NOT TRANSFERABLE

District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P.O. BOX 37200 — Washington, D.C. 20013-7200

188011

CERTIFICATE OF OCCUPANCY

~~7/6/00~~ (date)

Permission is hereby granted to GAP, INC./ MONICA GUYOT
for the suite(s) _____ on the 1ST floor(s)
of the building located on lot(s) 27-24 square 2624
known as premises 3636 16TH ST NW for the following
purpose(s) CHILD DEVELOPMENT: 64 INFANTS-PRESCHOOL 6 WEEKS-5 YEARS OLD/ 110
CHILDREN. NOT SEXUALLY ORIENTED 32402 . [ ]

BZA # _____ EXPIRATION DATE: _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R5D FEE $ 35.20

Director L. JORDAN

By _____
Designee

98-0802PM15

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
APPLICATION FOR CERTIFICATE OF OCCUPANCY

Date 8/4/03

59534

Receipt No.

Application Fee $33.00 Non Refundable
Certificate Fee is Based on square footage

Cashier=s No.

INFORMATION ON PROPOSED BUSINESS

1. Premise Address 3636 16TH St. N.W. Suite/Room No A-131
2. Business Telephone No (202) 462-3636 Fax No. Lot 831 Square 2624
3. Trade Name of Business GAP Community Child Care Center
4. Is Business Incorporated? Y/N Y Partnership? Y/N N Sole Proprietor? Y/N N New/Existing Existing
5. Corporate Name GAP, Inc.
6. President Monica Guyot Vice President Secretary
7. Sole Proprietor
8. Business Owner=s Mailing Address 3636 16TH St. N.W. phone # (daytime) (202) 462-3636

INFORMATION ON OCCUPANCY

9. ☐ Ownership Change ☐ Partial Occupancy ☐ New Bldg. ☐ Use change ☑ Load Change ☐ B.Z.A No. 16153
10. Proposed Use of Premises Continued Operation of a Child Development Center w/Maximum 140 children 28 staff
11. Prior Use of Premises same
12. Proposed Occupancy Load 140 children 28 staff Square Feet Occupied 6,000
13. Floors to be Occupied First partial Basement ? ☒ Yes ☐ No
14. Is this Business Sexually Oriented according to the DC Zoning Regulations ? ☐ Yes ☒ No

INFORMATION ON ENTIRE BUILDING

15. Building Owner Jonathan Woodner Co. Telephone No.
16. Building Owner=s Address: 3636 16TH St. N.W.
17. Square feet Numbers of floors 8 Basement 4

ATTESTATION & SIGNATURE

I certify that all of the statements on this application are true to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia.

18. Owner of Business Signature Date

If Authorized Agent for owner of Business (Attach Authorization)

19. Agent=s Name Edgar T. Nunley Edgar T. Nunley Jr. Date 8/4/03
Print Clearly Signature
20. Agent=s Address 4707 Brinkley Rd, Temple Hills, Md 20748

Visit our website www.dcra.org/permits for permit applications.

As parents and friends of children who attend the GAP COMMUNITY CHILD CARE CENTER, located at 3636 16th Street, N.W. first floor of A building, we totally support the expansion of the GAP Center. The GAP Center, a diverse, inclusive and multiethnic program has provided our children with a well balanced program; love, care, nurturing and a developmentally appropriate curriculum. The GAP program prepares the children for public/private school once leaving the GAP Center. GAP's staff is well qualified and is sensitive to the needs of children and their parents and guardians. GAP COMMUNITY CHILD CARE CENTER IS AN ACCREDITATED CENTER.

WE SUPPORT THE EXTENSION OF THE BZA SUMMARY ORDER.

NAME (Print)	ADDRRESS	TELEPHONE NO. (or email)
Anthony Watts	1702 Summit PL NW #500	2-529-6612
Monica Guyot	507 York St NW	202/332-[illegible]57
Ana Santos		202-320-6428
Claudia Villatoro		(202) 248-1703
Glady's Soto		(202) 299-9428
Khaleda Khanom		(202) 332-5142
Adila Abdulla	4000 Duke St. #1515 Alexandria VA. 22304	(703) 751-2690
Barbara Smith	2203 Champlain St N.W	(202) 265-6766
MARIKA MOUMANE	605 9th St NW	202 277 3046
Ledra Corcoran	1711 N St. SE. #4	202)-610-0559
Shellita L. Lee	914 2nd St. SE.	(202) 484-1630
Mabel Ortega	1829 13th St N W Apt #02	(202) 332-6173
Sonia M. Benitez	6836 Lanier dr. apt 303 Silver Spring MD.	301-588-4792
Anamaria Echeverria	6649 24th Pl. Hyattsville. MD. 20782.	
Shenecia Rosete	2540 Elvans Rd #2025 S.E.	(202) 610-7617
Lakia Driggs	1501 Pacific Ave	(301) 562-2241 or (202) 871-9327
Carmen S Camilo	3150 16th st NW Washington D.C 20010	(202) 986-3344
Lanisa Harris		(202) 234-4314
Danny Bersch	1372 Kenyon st N.W #102 D.C	(202) 518 0567
Nelly Agbayani	3636 16th St. NW A-947	(202) 483-1244
Dan Howard	The Woodner A-947	(202) 483-1244
LASHAWN PALMER	5022 HAYES ST. N.E.	202 388 129
Barbara Gaery	1928 Bennett Pl NE	2/388-1077
Denisse Mendoza	3636 16th NW Apt B627	(202) 483 0674

15 5 2 5 2 0 8

As parents and friends of children who attend the GAP COMMUNITY CHILD CARE CENTER, located at 3636 16th Street, N.W. first floor of A building, we totally support the expansion of the GAP Center. The GAP Center, a diverse, inclusive and multiethnic program has provided our children with a well balanced program; love, care, nurturing and a developmentally appropriate curriculum. The GAP program prepares the children for public/private school once leaving the GAP Center. GAP's staff is well qualified and is sensitive to the needs of children and their parents and guardians. GAP COMMUNITY CHILD CARE CENTER IS AN ACCREDITATED CENTER.

WE SUPPORT THE EXTENSION OF THE BZA SUMMARY ORDER.

NAME (Print)	ADDRRESS	TELEPHONE NO. (or email)
Jose L. García	314 Wayne Avenue Silver Spring MD 20910	301-589-9123
Martha Reyes	5515 7th St NW Washington DC 20011	202-722-9023
Oswaldo Arevalo		301-277-9430
Moises Cruz	527 Decatur St NW Wash DC	202 726 0089
Edgar Reyes		(301) 254-3511
Mariana medina		202 545-0526
Mabin Lopez		2028416434
Helfos R. Franco		301 613 9581
Juan Canales		(202) 667-7875
Francisca Garcia		(301) 589-9123
Blanca Diaz	PO Box 21275 Wash. DC 20009	(202) 49
Cindy Cruz	9801 Hagel Cir Lorton VA 22079	703) 339-6985
Hernan Diaz	405 Hollingsworth Pl. Oxon Hill, MD 20745	(20
Franklin Rubio	1341 montague st nw DC 20011	301-807-073
Zunilda de la Cruz	2637-16 St.	202-387
Francisca Ventura	Columbia Rd. N.W.	
Mercedes A. Coreas	2637 16th. St. NW. #603 Washington, DC	200

As parents and friends of children who attend the GAP COMMUNITY CHILD CARE CENTER, located at 3636 16th Street, N.W. first floor of A building, we totally support the expansion of the GAP Center. The GAP Center, a diverse, inclusive and multiethnic program has provided our children with a well balanced program; love, care, nurturing and a developmentally appropriate curriculum. The GAP program prepares the children for public/private school once leaving the GAP Center. GAP's staff is well qualified and is sensitive to the needs of children and their parents and guardians. GAP COMMUNITY CHILD CARE CENTER IS AN ACCREDITATED CENTER.

WE SUPPORT THE EXTENSION OF THE BZA SUMMARY ORDER.

NAME (Print)	ADDRRESS	TELEPHONE NO. (or email)
Soledad Solano		(202) 986-6926

As parents and friends of children who attend the GAP COMMUNITY CHILD CARE CENTER, located at 3636 16th Street, N.W. first floor of A building, we totally support the expansion of the GAP Center. The GAP Center, a diverse, inclusive and multiethnic program has provided our children with a well balanced program; love, care, nurturing and a developmentally appropriate curriculum. The GAP program prepares the children for public/private school once leaving the GAP Center. GAP's staff is well qualified and is sensitive to the needs of children and their parents and guardians. GAP COMMUNITY CHILD CARE CENTER IS AN ACCREDITATED CENTER.

WE SUPPORT THE EXTENSION OF THE BZA SUMMARY ORDER.

NAME (Print)	ADDRRESS	TELEPHONE NO. (or email)
Sonia	2510 16th Washington	202-332-4871
Anyelina	6715 25th Ave	202-518-6420
Ernesto	Escalera	202-446-6984
Carolina	al monte	202-446-6984
Yashang	1408 Girard St	202-518-6442
Yatrany Rivera	3020 14th st NW	(202) 518-6451
[illegible]	3222 Warren ss nw	745-4360
Saidy Rosario	3030 14th St. NW	202-612-3121
Evelyn Ulloa		202-518-6404
Clara Rodriguez		240-925-6174
M. Castro	3756 Evans Trail Way	301-467-1300
Genesis Francisco	1928 Edmonston Ter.	202-518-64
Adela Santos	5925 14th St. NW #102	WDC (202) 829-6202
Ana Solano		(202) 265-0149.
Amparo Salguero	3309 16th St NW	202 265 0149
Luz D Prieto	3033 16-St. N.W. #409- Washington D.C. 20009	Telefono- 202.518-84-60

put in old 529 file

See Barbara

As parents of children who attend the GAP C
Care Center, we totally support the expansi
center. The GAP center has provided our ch
well balanced program; love, care and nurtu
as, preparing our children for public/privat
leaving the GAP center. GAP's staff is qual
both sensitive to my child's needs, as well
parents. Again, we support the expansion of
program at the Woodner.

NAME	ADDRESS	TELEI
Alba Liz Romero	1630 park Road # 108 washington 20010	
Roseline	1328 Harvard St NW 20010	123 2305
Ana Cruz	1825 Central Pl NE #14 Wash DC 20002	832 3705
Sandra Malone	1495 Park Road N.W. #307	Beeper (202 515-3
102 845-80-112		
Herve G. Seneros	2480 16th St NW Washington DC 20009	
Sonia 234 308 Sonia		
Edgar L. Bunea Jr.	5029-B, Benning Rd. S.E.	
Sandra Bean	367 Newton St NW	232-6870
Patricia Carter	1431 E. Mt. N.W. #7	(202) 328-9887
Flor Umanzor	1820 Newton st. N.W. Washington D.C. 20010	(202) 387-13
Anthony Watts	1702 Summit Pl NW #500 Wash DC 20009	

As parents of children who attend the GAP Community Child Care Center, we totally support the expansion of the GAP center. The GAP center has provided our children with a well balanced program; love, care and nurturing; as well as, preparing our children for public/private school once leaving the GAP center. GAP's staff is qualified and is both sensitive to my child's needs, as well as, we parents. Again, we support the expansion of the GAP program at the Woodner.

NAME	ADDRESS	TELEPHONE
Michael Pruitt	3636 16th St	
Refilwe Mosholi	"	" 588-0212
[illegible]	2722 13th St	986-4855
Paula Cofer		686-3025
Wilmore Roberts	14 Chesapeake St SW #4	(202) 574-1716
Lakwanda Gregory	165[illegible] Rd NW #6	202 332-5076
Monica Pored	1515 Ogden St 219	Washington D.C.
Jennifer McCraney	1301 Floral St. 20012	723-6759
Barbara Graves Theodore	3636-16th St, NW; Apt B-1006 Wash., DC 20010	(202) 332-4926

Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.
Washington, D.C. 2

M E M O R A N D U M

SEP 24 1996

TO: Board of Zoning Adjustment

FROM: Jill C. Dennis
Director

Beverley A. Bailey
Community Planner

DIST OFFICE
96 SEP 24 P1:39

SUBJECT: BZA Application No. 16153

APPLICATION

Application of the Jonathan Woodner Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to expand an existing child development center from 75 to 140 children ages six weeks to 14 years and 28 staff on part of the first floor of an apartment building in an R-5-D District at premises 3636 16th Street, N.W. (Square 2624, Lot 831).

SUMMARY RECOMMENDATION

The Office of Planning recommends conditional approval of this application.

APPLICANT'S PROPOSAL

The applicant is proposing to increase the number of children at the GAP Community Child Care Center by 65 children and the number of staff by 11.

BZA
CASE No. 16153
EXHIBIT No. 49

9/26/96

SITE AND AREA DESCRIPTION

The site is located in the Ward 1 neighborhood of Mount Pleasant. It is also located in the Northwest quadrant of the city. The boundaries of the property are Spring Place to the north, Oak Street to the south, 16th Street to the east, and 17th Street to the west.

The site is known as the Woodner apartment building. The 1,100 multi-family unit, high-rise apartment house was constructed in 1951 adjacent to Rock Creek Park. The apartment building is located on a hilly two-acre tract of land. The site slopes downward, in the direction of Rock Creek Park. Therefore, four floors of the building are located below the ground floor, as measured from 16th Street N.W. The existing accessory uses in the building include a restaurant, a grocery store, a beauty salon, doctor's offices, a video store, a fitness center, etc. An on-site underground garage provides parking for the building's occupants.

The Mount Pleasant neighborhood is a mixed-use community. The area contains single-family dwellings and multi-family apartment houses, commercial establishments that provide goods and services, recreation/open space areas, and institutional facilities. The Mount Pleasant Library, Bell Multi-cultural Senior High School, Lincoln Middle School, Bancroft Elementary School, and the Columbia Heights Post Office are the public institutional facilities that are located closest to the site.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-5-D. The R-5-D District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of 90 feet, a maximum floor area ratio of 3.5, and a maximum lot occupancy of 75 percent. A child development center is a matter-of-right use in the R-5-D District for up to 25 children.

The applicant is requesting special exception zoning relief under Section 205 and Subsection 3108.1 to increase the number of children in the existing child development center. Copies of the relevant sections of the Zoning Regulations are attached to this report.

ANALYSIS

Project Description

The GAP Community Child Care Center has operated from the site for approximately five years. Prior to GAP, another child development center operated from the site as a matter-of-right use for 25 children. In 1994, the applicant sought and received approval from the Board to increase the number of children from 25 to 75, with 17 full-time staff. The applicant is currently operating under Certificate of Occupancy (C of O) No. B172305 and is licensed to accommodate 25 infants and 50 pre-school children. (See attached C of O and permits.)

As proposed, the center would operate Monday through Friday between the hours of 7 a.m. and 6 p.m. Twenty-eight persons would be employed at the site to care for the 140 children. Food is prepared in-house for the children; a kitchen enables GAP to prepare the meals. The center's curriculum consists of math, science, social studies, language, pre-writing, gross and fine motor skills, social skills, art, music, creative movement and field trips. Trash is collected and placed in receptacles that are provided for use by the residents of the building.

Pedestrian access to the center is from the main entrance to the building, whereas vehicular access (including pick-up and drop-off) is by way of the underground garage. The existing center occupies a portion of the building's below grade fourth level since the site slopes dramatically from front to back. The applicant is proposing to expand the center into an adjoining apartment unit. At the time this report was prepared, the applicant was not able to identify the square footage of the day care center. The GAP Child Development Center has a five-year lease, of which approximately four years remain. A small sign identifying the center is located at the front of the premises.

Special Exception Requested

The special exception requested in this case must comply with the provisions of Section 205 of 11 DCMR (copy attached). This application's compliance or non-compliance with the relevant provisions of Section 205 is discussed below, preceded by the applicable subsection number.

205 - CHILD DEVELOPMENT CENTERS (R-1)

205.1 - Board of Zoning Adjustment Review

The Board of Zoning Adjustment has the authority to approve the use of the site as a child development center for 140 children if the application meets the requirements of the Zoning Regulations.

205.2 - Code and Licensing Requirements

The Office of Planning asked the applicant to arrange for a representative of the D.C. Department of Consumer and Regulatory Affairs (DCRA), Child Care Branch, to visit the site and ascertain its suitability for the proposed expansion. The applicant stated that when DCRA's report is made available a copy would be submitted in the file.

205.3 - Objectionable and Unsafe Conditions

The Office of Planning is not aware of any objectionable traffic conditions or any unsafe conditions for picking up and dropping off children at the site. The applicant indicated that most of the children will arrive at the site by walking or by bus, and that some of the children live at the Woodner.

205.4 - Off-Street Parking

A large semi-circular driveway is located in front of the building. However, parking in this area is restricted. Parents, visitors and staff who drive to the site must park in the underground garage. Based on the Zoning Regulations, seven parking spaces are required for the child development center. The Jonathan Woodner Company indicated that it would provide the required number of parking spaces (see attached letter).

On-street parking is available on 16th Street and many other roadways in the Mount Pleasant neighborhood but is restricted during rush hours. Also, all-day parking for nonresidents is limited on many streets in the neighborhood. Further, the area surrounding the site has a high volume of traffic. It is therefore essential that parking is made available for persons who would be employed at the center, parents, and visitors.

All deliveries take place from the underground garage. Deliveries primarily consist of food, supplies and equipment. The applicant indicated that each of these items is delivered weekly.

205.5 - Adverse Impacts

If proper precautions are in place, the child care facility should not have negative traffic impacts on the community. Parking is limited in front of the building, on the street and in the neighborhood surrounding the site. It is therefore imperative that, at least, the minimum number of parking spaces be provided at the site and used by the staff, parents, and visitors.

The Office of Planning was unsuccessful in its attempt to contact Advisory Neighborhood Commission (ANC) 1E to ascertain if they believe the proposed expansion would have any negative impacts on the Mount Pleasant community.

205.6 - Special Treatment

No special treatment is required at the site to protect adjacent and nearby properties from any negative impacts. The building is located on a large tract of land which provides adequate buffers from the surrounding area.

205.7 - Play Area

There are no play equipment or recreation facilities located on the site. The property is located adjacent to Rock Creek Park which could be used for play, except in inclement weather. All outdoor activities would be supervised by the staff to provide for the safety of the children and to minimize any potential noise impacts.

205.8 - Cumulative Impacts

The Office of Planning is not aware of any other child development center within 1,000 feet of the site.

205.9 and 205.10 - Referral to District Government Agencies

This application was referred to the Office of Planning and other District government agencies for review and impact assessment.

RECOMMENDATION

The Woodner is a large residential structure that has many accessory uses. The existing child development center is one of the many services the building's management provides for the tenants. The center serves the surrounding neighborhood as well. The center's expansion would allow the applicant to serve those families who currently need the service. The Office of Planning is not aware

of any negative impacts which would impede the approval of this application. Based on the foregoing information, the Office of Planning recommends approval of this application with the following conditions:

1. The center shall serve a maximum of 140 children.

2. The number of employees shall not exceed 28 persons.

3. The hours and days of operation shall not exceed 7 a.m. to 6 p.m., Monday through Friday.

4. Seven parking spaces shall be provided at the site in the garage for the exclusive use of the GAP Community Child Care Center during its hours of operation. The spaces shall be marked.

5. The applicant shall provide written verification to the Board that the site has the potential for accommodating the additional 65 children.

6. The applicant shall identify the number of children that would be in each age group.

Attachments

GOVERNMENT OF THE DISTRICT OF COLUMBIA
SFRA-5
(Rev. 3/89)

Department of Consumer & Regulatory Affairs
Service Facility Regulation Administration

PERMIT FOR CHILD CARE FACILITIES

Permit Number: 908591-CDC Date Issued: 07/01/96

Type of Facility: CHILD DEVELOPMENT CENTER Date Expires: 06/30/97

Maximum Number of Children allowed: 50 Hours of Service: 07:00 AM-06:00 PM

PERMISSION IS GIVEN TO (Name) GAP COMMUNITY CHILD CARE CENTER #4

(Address) 3636 16TH STREET, N.W.

to establish, operate and maintain a child care facility, subject to the following conditions, in accordance with the DCMR 29 Public Welfare and DCMR 22 Public Health and Medicine.

AGES: TWO AND ONE HALF (2 1/2) YEARS THRU FOURTEEN (14) YEARS

For the Director, Department of Consumer & Regulatory Affairs

Hampton Cross

HAMPTON CROSS, DIRECTOR

By _____
Administrator, Service Facility Regulation Administration

Hampton Cross

Director
Department of Consumer and Regulatory Affairs

Howard N. Maupin

HOWARD N. MAUPIN

Child Care Specialist

THIS PERMIT APPLIES ONLY TO THE LICENSEE AND ADDRESS GIVEN HEREIN AND IS NOT TRANSFERABLE

92-2435

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA
SFRA-5
(Rev. 5/89)

Department of Consumer & Regulatory Affairs
Service Facility Regulation Administration

PERMIT FOR CHILD CARE FACILITIES

Permit Number: 908054-CDC
Date Issued: 07/01/96
Type of Facility: CHILD DEVELOPMENT CENTER
Date Expires: 06/30/97
Maximum Number of Children allowed: 25
Hours of Service: 07:00 AM-06:00 PM

PERMISSION IS GIVEN TO (Name) GAP COMMUNITY CHILD CARE CENTER, III
(Address) 3636 16TH STREET, N.W.
to establish, operate and maintain a child care facility, subject to the following conditions, in accordance with the DCMR 29 Public Welfare and DCMR 22 Public Health and Medicine.

AGES: SIX (6) WEEKS THRU FOURTEEN (14) YEARS OF AGE; ONLY EIGHT (8) MAY BE TWO (2) THRU FOURTEEN (14) YEARS.

Hampton Cross

Director
Department of Consumer and Regulatory Affairs

For the Director, Department of Consumer & Regulatory Affairs
Hampton Cross
HAMPTON CROSS, DIRECTOR

By _____
Administrator, Service Facility Regulation Administration
Howard N. Maupin
HOWARD N. MAUPIN

Child Care Specialist

THIS PERMIT APPLIES ONLY TO THE LICENSEE AND ADDRESS GIVEN HEREIN AND IS NOT TRANSFERABLE

92-2435

B172305

(Rev. 11/91)

Building and Land Regulation Administration, Zoning Division

CERTIFICATE OF OCCUPANCY

July 13,1995
(date)

Permission is hereby granted to GAP Inc.
to use suite(s) on the Part of first floor(s)
of the building located on lot(s) 631 square 9131
known as premises 3636 16th St., N.W. for the following
purpose(s) Child Development 2,5yrs.-16yrs.
75 children - 17 staff ; NOT SEXUALLY ORIENTED

BZA #: EXPIRATION DATE:

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-5-D FEE $ 32.00

Aubrey H. Edwards, Director

By Designee

CUSTOMER'S RECEIPT

08/28/1992 01:21 4629070 MONICA GUYOT PAGE 03

the JONATHAN WOODNER company

September 17, 1996

District of Columbia
Office of Planning
614 H Street N.W.
Washington, D.C.

RE: Gap Daycare Proposed Expansion

Dear Sirs:

The Jonathan Woodner Company and The Woodner Apartments, 3636 16th Street, N.W., wish to write on behalf of the Gap Community Daycare center located in our building on 16th Street. We are most supportive of the proposed expansion of the daycare center within our building.

The Gap Daycare will receive complete and total cooperation from management of the Woodner apartments to accommodate all necessary adjustments to existing codes, and requirements imposed by city governing agencies.

The Woodner will provide ample space for expansion. We will provide any additional parking spaces required for staff. Parents/patrons of the daycare center will continue to be given complimentary parking in our private garage both in the mornings and evenings while transporting children to and from the premises. For an urban daycare center of this size, The Woodner provides a safe, private means of entrance and exit for the Gap Daycare parents and children. The underground garage is clean, well lit, and well away from any public street, thus causing no inconvenience to the public during rush hour drop off times.

The Woodner supports the expansion of The Gap Daycare Center and will cooperate in any way in order to expedite the expansion process.

Very Truly Yours,

Joseph W. Milby Jr.
General Manager

Builders and Real Estate Managers

3636 16th Street, NW, Suite AG-32
Washington DC 20010
202-483-0100

09/02/1992 23:46 4629070 MONICA GUYOT PAGE 01

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15990 of the Jonathan Woodner Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase an existing child development center from 25 to 75 children ages six weeks to 14 years and 17 staff on the first floor of an apartment building in an R-5-D District at premises 3636 16th Street, N.W. (Square 2624, Lot 831).

HEARING DATE: October 12, 1994
DECISION DATE: October 12, 1994 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1E. ANC 1E, which is automatically a party to the application, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The hours of operation shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Friday.

2. All drop-off and pick-up of children by parents using private transportation shall be restricted to parking spaces in the garage assigned for such purposes.

3. Trash shall be stored in a covered dumpster and shall be collected on a regular basis, no less than once per week.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Craig Ellis, Maybelle Taylor Bennett, Susan Hinton and Angel F. Clarens to grant; Laura M. Richards not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: OCT 28 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15990/SS/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15990

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 28 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Monica Guyot
3636 16th Street, N.W.
Washington, D.C. 20010

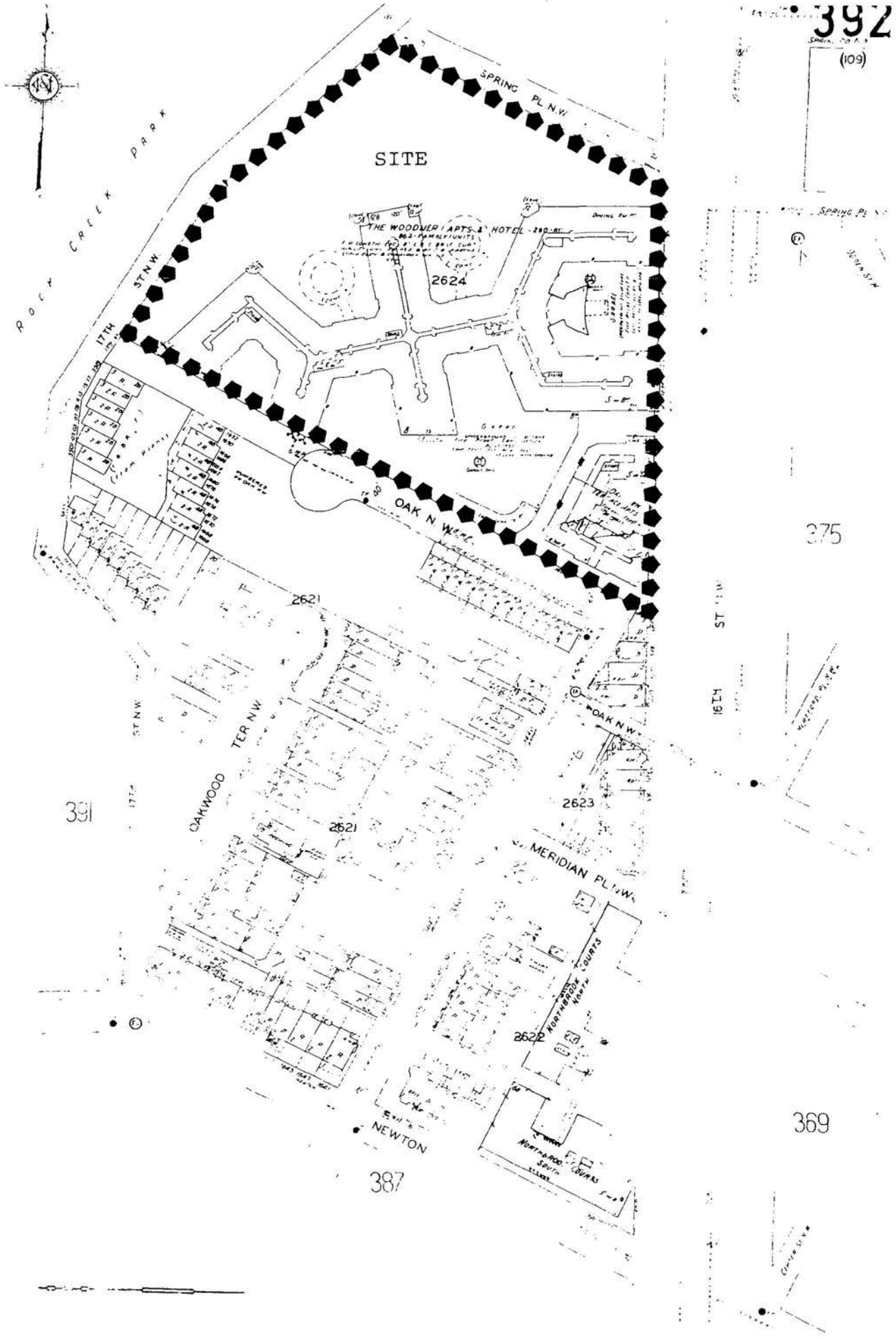
Mack James, Chairperson
Advisory Neighborhood Commission 1-A
3511 - 14th Street, N.W.
2nd Floor
Washington, D.C. 20010

Patricia Sosa, Chairperson
Advisory Neighborhood Commission 1-E
P.O. Box 43529
Washington, D.C. 20010

Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

DATE: OCT 28 1994


SITE
SPRING PL N.W.
ROCK CREEK PARK
17TH ST N.W.
THE WOODNER APTS. & HOTEL - 260 RM.
862 - FAMILY UNITS
2624
OAK N.W.
2621
OAKWOOD TER N.W.
2623
MERIDIAN PL N.W.
NORTHBROOK COURTS
2622
NEWTON
NORTHBROOK SOUTH COURTS
391
375
369
387
392
(109)
16TH ST N.W.