BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA
Revised 9/22/03

Re: **Application of GAP Community Child Care Center**

BZA Application No. 17065
Public Hearing
ANC 1D

STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is an application pursuant to Section 3104.1 of the Zoning Regulations for special exception relief under Section 205.1 to permit continued operation of a Child Development Center with a maximum of 140 children and 28 staff in the R-5-E zone at premises known as 3636 16th Street NW, the (Subject Property). No variance relief is requested.

II.

Jurisdiction

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations of the District of Columbia.

III.

Background

A. Project History and Basis for Request.

The GAP Community Child Care Center has operated from the site for approximately twelve years. In 1991, the applicant obtained the child development center that had been operating at the subject premises 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 center operated under Certificate of Occupancy No. B172305 and was licensed to accommodate 25 infants and 50 pre-school children.

In 1996 the applicant sought and received approval to increase the number of children from 75 to a total of 140 children. Approval was granted for a period of seven years and will expire on or about October 21, 2003.

BZA
Case No. 17065
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17065
EXHIBIT NO. 35

The basis for this request is to extend Board approval that will allow the center to continue operating at its current capacity.

B. Description of Subject Property

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

C. Description of Surrounding Area

The subject property is located in the Mount Pleasant neighborhood of Ward 1 in the Northwest quadrant of the city. It is bounded by Spring Place to the North, Oak Street to the South, 16th Street to the East and 17th Street to the West. 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.[1]

IV

Points in Support of Application

The Application Complies with the Provisions of 11DCMR Section 205.1 and Other Applicable Provisions of the Zoning Regulations of the District of Columbia

Section 205.2 ***The center shall be capable of meeting all applicable code and licensing requirements,***

The facility has had a valid Certificate of Occupancy since its inception. As recently as July 6, 2000, a new certificate was obtained at the behest of the licensing agency to reflect the number of infants the facility could accommodate [Attachment A]. The certificate was issued after inspection and indicates that all pertinent Building Codes and Fire and Life Safety Codes have been met. In addition a separate fire inspection is conducted prior to issuance of every new license and at license renewal. The facility is equipped with a fire suppression sprinkler system for added protection.

Exhibit 32 of the record is a letter from the Department of Human Services, Office of Early Childhood Development indicating that the facility is currently in good standing with license requirements. The letter further states that the facility is a "gold tier" provider in the Tiered Rate Reimbursement System administered by that agency.

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[1] *Site and area description excerpted from OP report dated 9/24/96*

Section 205.3 ***The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons.***

The center is located on the first floor of the Woodner Apartments. The front entrance to the building is set back 100 feet from the curb at 16th Street NW. Most parents walk or take public transportation. Those that drive are prohibited from using the one-way drive that enters and exits onto 16th Street at the front of the building. Parents are required to accompany their children into the center. Parking is not allowed in this driveway.

As noted earlier, the first floor of this building is located four levels below the front entrance. It is on the same level as the underground parking garage and there is an entrance directly into the facility from the garage. Parents that drive must access the facility through the garage where they are limited to 20 minutes in the provided parking spaces.

The facility has always operated with this arrangement because it provides increased safety of the children and does not negatively impact other tenants. There have been no complaints nor have there been any accidents or injuries sustained while dropping-off or picking-up children at the facility.

Section 205.4 ***The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.***

The Woodner Co. has provided the required seven parking spaces for the exclusive use of the facility since 1996 when the Board approved an increase in the number of children and staff that the facility could accommodate. Although this application does not represent an increase, upon recommendation by the DDOT, the Woodner Co. allocated an additional three spaces to the facility. The center now has ten (10) off-street parking spaces [Attachment B].

Section 205.5 ***The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.***

The Woodner Apartment building is a large reinforced masonry structure that covers nearly all of square 2624. The facility is located on the lower level within the building. Most activities are conducted within the building in a classroom or laboratory setting. There is a small fenced-in play area immediately adjacent to the facility for supervised outdoor play. This play area is adjacent to Rock Creek Park at the rear of the building. There are no properties within close proximity to the facility that might be impacted by its operation.

The only persons that might potentially be impacted are other residents and tenants of the building itself. Classes and activities are structured in a manner to minimize that potential. All activities are strictly supervised. Loud boisterous behavior is not tolerated.

Further, the building's construction type makes it effectively sound proof. Noises generated by the normal operation of the facility are confined to the facility itself. No complaints have been registered either with the GAP or with the Woodner Co. Management Office. As testament in addition to the petitions signed by parents and friends of children enrolled at the facility, Joseph W. Milby, General Manager for the Woodner Company has submitted a letter in support of the continued operation [Attachment C].

Section 205.6 ***The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other***

requirements as it deems necessary to protect adjacent and nearby properties.

Experience indicates that the design and operation of the facility is sufficient to prevent any undue impact on adjacent and nearby properties. There have been no complaints.

Section 205.7 ***Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.***

The facility has a fenced-in play area at the rear of the building. This play area is connected to the building and is accessed through the rear door of the facility. All activity in this area is strictly monitored.

The property abuts Rock Creek Park to the rear. On occasion, supervised excursions through the community or through the park are conducted for outdoor recreation. No child is allowed to leave the facility unsupervised.

Section 205.8 ***The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.***

The applicant is not aware of any other facility within 1,000 feet of the GAP Community Child Care Center.

Section 205.9 ***Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.***

The DDOT has submitted a letter indicating no objection. The DCOP has indicated verbal support but at the time of this writing no report has been submitted.

Section 205.10 ***The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.***

The DHS, OECD has submitted a letter indicating that the facility meets the licensing requirements.[Exhibit 32]

A special exception is a use that is pre-deemed compatible with other uses in the same zoning district. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with the enumerated requirements for special exception relief. If the Applicant meets its burden, the Board ordinarily must grant the application.

The applicant submits that it has met its burden as enumerated above. It is thereby requested that the application be granted approval for a period of ten (10) years to allow continued operation of the GAP Community Child Development Center.

A

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)

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

...ZA # _____ 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 D. JORDAN

By _____ Designee

88-0802PM6

D

B

JONATHAN WOODNER COMPANY

August 25, 2003

Re: Gap Community Day Care Center
Monica Guyot
3636 16th Street NW #A131
Washington, DC 20010

To Whom It May Concern:

Please let this serve as confirmation that the Woodner Management offices have allocated ten (10) parking spaces for the use by the Gap Day Care Center in the Woodner parking garage.

Sincerely,

Joe W. Milby
General Manager

1101 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
TEL. 202 737.2137
FAX. 202 737.6840

C

JONATHAN WOODNER COMPANY

August 8, 2003

Re: The GAP Community Child Care Center
Director: Monica Guyot
3636 16th Street NW #A131
Washington, DC 20010

To Whom It May Concern:

The Gap Community Child Care Center has been a tenant at the Woodner Apartments for more than twelve years. During that time we have maintained an excellent and solid business relationship and have watched as the GAP has grown into the successful and thriving business it is today.

We look forward to continuing our relationship with The Gap Community Child Care Center and anticipate another successful twelve years or more with GAP as tenants at the Woodner.

Sincerely,

Joseph W. Milby
General Manager

3636 16TH STREET N.W.
WASHINGTON, D.C. 20010
TEL 202 328.2800
FAX 202 234 0786

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

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)
1. Aisha Grant	Forestville, MD 20747 16523 Hil-Mar Dr. #204	aishabrantt@yahoo.com
2. [illegible] Ijeoma	3636 16th St. NW	[illegible]
3. Sika Berry	907 Varnum St NW	Sikwams@yahoo.com
4. [illegible]	Washington D C 20011	
5. Todd A. Harris	8312 Raymond Lane Potomac, MD	ATAComm@ComCast.net
6. [illegible]	3636 16th ST NW	[illegible]
7. JANEL BEKE	3636 16th NW APT B405 WDC 20010	202-234-2353
8. ALEX BARRAZA	3636 16th NW Apt 1802 WDC 20010	202 387 9940
9. Eman Kefley	3636 16th NW #B320	2-299-9385
10. Zuoly Sanz	3636 16th NW B316	Sikti-4@yahoo.com
11. Stacia Smith	3636 16th St NW A-967	202-491-7998
12. Daniel Morales	3636 16th st. NW A-1204	dmv 004@hotmail.com
13. Carlos Rodriguez	3636 16th St. NW #1246	crpimp17@hotmail.com
14. Kumarra Olana	1660 Lanier Pl. NW #420	202-265-5339
15. Nate Krupa	3636 16th St. NW A-1204	nate311@netzero.com
16. Elder Toloza	3636 16th ST NW A #1246	Hotmail.com
17. Elder Shelz	3636 16th sth NW A 1202	Hotmail.com
18. Elder Thomas Watkins	3636 16th St NW A-1202	[illegible]
19. MANDIR THIAM	3636 16th ST NW APT B541	(202) 483 3261
20. Barbara Graves Theodore	3636 16th St, NW, Wash. DC 20010	WORK: 202-332-492
21. Charles E. Adams	3636 16th St, NW, Apt B-[illegible], Wash DC 20010	202-415-365
22. [illegible]	3636 16th NW APT-A1206	2027736357
23. [illegible]	14th St. NW 1202	[illegible]
24. Elder Thompson	3502 16th St NW 103	lonelyangelite@aol.com
25. Gladys Seth	419 Eastern Ave NE Washington DC 20001	
26. [illegible]	3636 16th St NW	202 [illegible]
27. Teachers Circle	3636 16th St NW #B402	(202) 462 4433
28. Mark Daniels	3636 16th St NW A764	(202) 250-5900
29. Catherine Hood	3636 16th St NW Apt A1021	[illegible]
30. Tessie Bautista	3636 16th St NW Apt A1[illegible]	(202) [illegible]
31. [illegible]	3636 16th St, NW Apt A1[illegible]	(202) [illegible]

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.

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NAME (Print)	ADDRRESS	TELEPHONE NO. (or email)
Carmen Rosales		301-861-[illegible]715 MD.
Nelson Rosales	10717 Tenbrook DR. SP.	
Jose Fidel Hernandez	24[illegible]	305 11 56
1347 Shepherd St. NW. Wash. D[illegible]		20010
Bill Hernandez	202-	
Dora Rosales	10717 Tenbrook [illegible]	301-861-691[illegible]
Milagro Reyes	5023 36 Ave. Hy[illegible]	tville MD.
Antonio Ramos	1429 Columbia Rd. [illegible]	#32 WASH DC 2000
Franklin Hernandez	202 413	[illegible]279
Reyna Thorpe	202 554 00[illegible]	
Ana Betty Rivera	202 554 0[illegible]	9
Maria Barrios	202 554-0[illegible]	9
Ana Tracio	202 554 0[illegible]	9
Deol Ashton	202-554 0[illegible]	9
Mary Bendia	202-554 0[illegible]	9
William Good	202-554 0[illegible]	5
Linda Reid	202-484 [illegible]	43
Angelica Posada	202	
Miriam Posada		
Carmen Hernandez	202-62[illegible]	5004
Annette Gales		
Patricia Bostan	301-928 [illegible]	33

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NAME (Print)	ADDRRESS	TELEPHONE NO. (or email)
MARY A. BENDER	1304 SARATOGA NE	202) 635-1165
Sidia Pomeño		202 483-6058
Joan Johnson	319 Eagle Landing	(202) 64[illegible]-3688
Tiana Miller	2414 Wagner St SE	202-678-[illegible]419
Elizabeth Frye	P.O. Box 63902 WA DC 20039	
David Beaty	1719 Davis DR FT. WASH MD	([illegible]) 24[illegible]-5540
Pearl Alston	2529 18 ST. SE DC	(202) 607-0096
Edith Rodriguez	301	
Norma Rodriguez	202	
Bertha Mendez	202	
Esmilda Sanchez	(202)	
Liana Miranda	(202) 797-9535	
Lamar Hernandez		
Jaime Merlos		
Sergio Reyes	301 (77952[illegible]8	
Mirian Diaz		
Nina Maldonado		
Rina Cruz	202 - 628-[illegible]222	
Sara Naylor	301	
Louis Taylor		
Louis Morales		
Yanina Solo		
Blanca Contreras	549 7-[illegible]5	