Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

SEP 24 1996

DISTRICT OF COLUMBIA
OFFICE OF
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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Jill C. Dennis
Director

Beverley A. Bailey BAB
Community Planner

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. 17065
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17065
EXHIBIT NO. 4

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
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.

BZA

Case No. _____
Exhibit No. _____

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

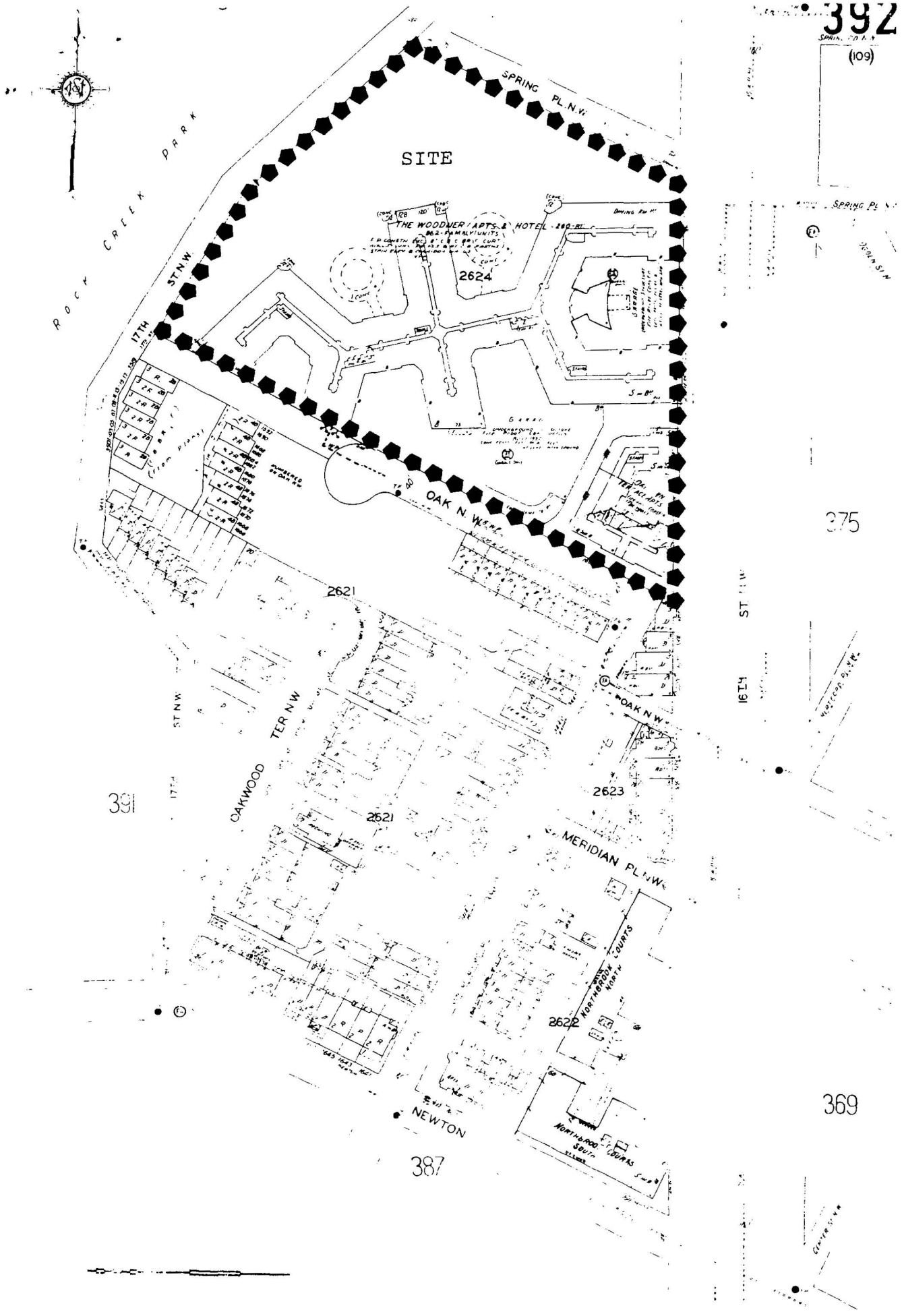
Mack James, Chairperson
Advisory Neighborhood Commission 1-A
3511 - 14th Street, N.W.
2nd Floor
Washington, D.C. 20010

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 - 280 RL
2624
OAK N.W.
2621
OAKWOOD TER N.W.
2623
MERIDIAN PL N.W.
NORTHBROOK COURTS NORTH
NORTHBROOK COURTS SOUTH
2622
NEWTON
391
387
375
369
392
(109)
16TH ST N.W.

#6

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, J. JORDAN

By _____
Designee

98-08C3PM5

B172305

(Rev. 11/91)

Administrator 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

BUILDING
DEC 5 11 12 AM '94

08/28/1992 01:21 4529070 MONICA GUNT PAGE 03