

EXHIBIT NO.

1

3

10-13-07

Docket Item #2

SPECIAL USE PERMIT #2007-0041

Planning Commission Meeting

September 6, 2007

ISSUE: Consideration of a request for a special use permit amendment to increase the number of children at an existing day care.

APPLICANT: K& L, LLC
By Jerry Pnevmatikatos

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

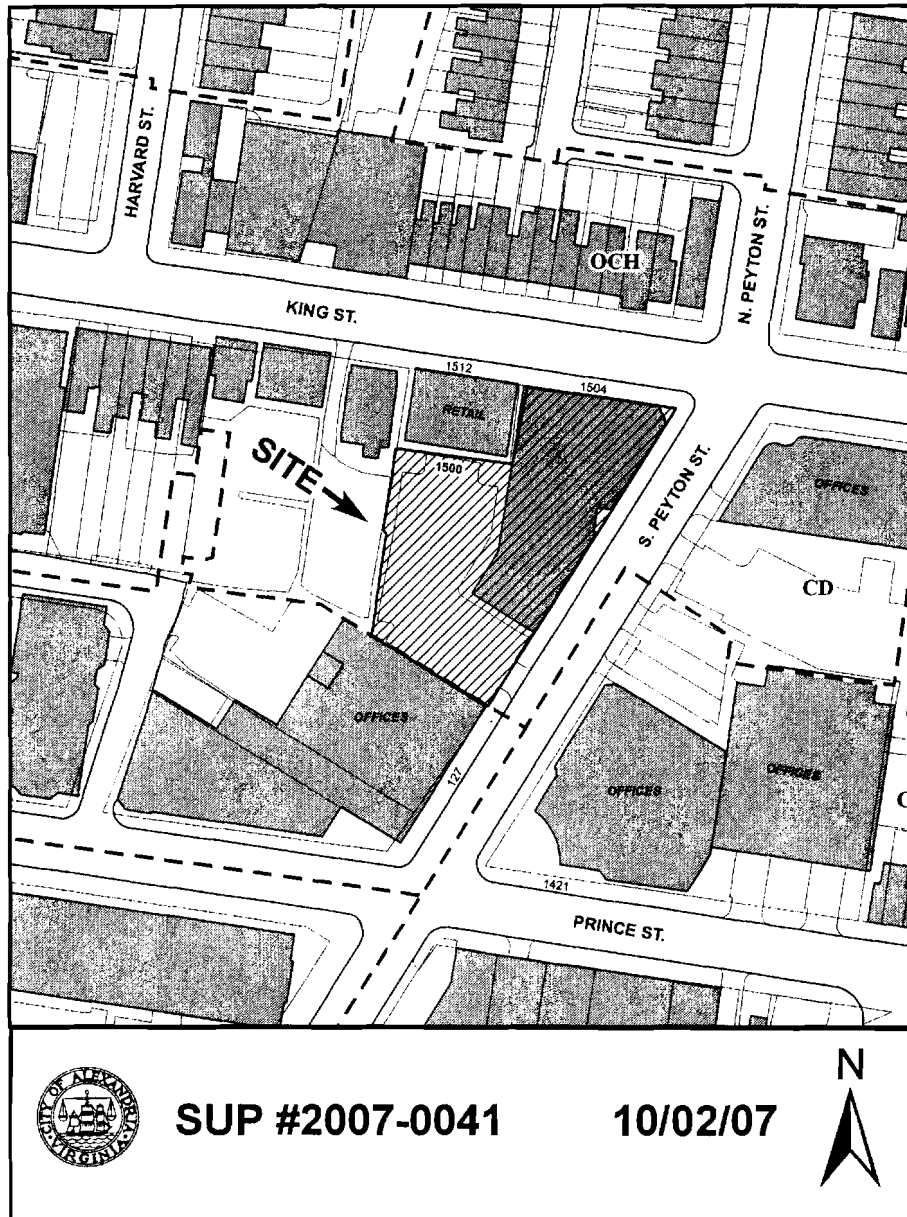
LOCATION: 1500 King Street

ZONE: KR/King Street Urban Retail

PLANNING COMMISSION ACTION, OCTOBER 2, 2007: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

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, K and L, LLC, requests an amendment to an existing special use permit for the expansion of a day care located at 1500 King Street.

SITE DESCRIPTION

The subject property is a ground floor tenant space with 60 feet of frontage on South Peyton Street, 52 feet of depth and a total floor area of 2,978 square feet. The site is developed with a day care center. Access to the property is from South Peyton Street.

The surrounding area is occupied by office buildings with ground floor retail. Immediately to the north are business offices. To the south is the Old Town Sandwich Shop on the ground floor of an office building. To the east is an office building and associated parking. To the west is the future site of the Kimpton Hotel.

BACKGROUND

On September 16, 1989, City Council granted Special Use Permit #2277 to Dr. and Mrs. Mark Gordon allowing a child care facility for up to 12 children in Unit #105 at 1500 King Street.

On May 13, 1991, City Council granted Special Use Permit #2277-A allowing the child care facility to expand into an adjacent room, and to increase the number of children from 12 to 18.

On April 17, 1993, City Council granted Special Use Permit #2277-B to Tiny Tots Playroom, Inc., allowing the child care facility to expand into Unit #104 and to increase the number of children at the child care facility from 18 to 40.

On October 26, 1995, the Department of Planning and Zoning administratively approved Special Use Permit #95-0170, an ownership change of the child care facility from Tiny Tots Playroom Inc. to K & L, LLC. No other changes to the permit were made.

On March 15, 1997, City Council granted Special Use Permit #96-0173 to K & L, LLC allowing up to 60 children to be cared for.

On July 27, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

On March 29, 2007 the Virginia Department of Social Services conducted an unannounced inspection of Tiny Tots Playroom. At the inspection there were several

violations noted including overcrowding. The inspector found 95 children present, the current SUP allows 60 children and the occupancy permit allows 65 people in the space. Tiny Tots reduced their enrollment and have been in compliance with both the SUP and occupancy permit since then.

PROPOSAL

The applicant proposes to increase the enrollment at the existing daycare from 60 to 77. The staff will increase by 3-4 people in order to maintain the ratios mandated by the Commonwealth. The play area that the children will use will be a private playground that the applicant is developing at 211 Commerce Street. There are no other proposed changes to the daycare center's operations. The center will continue to use the loading zone in front of the property for drop-off and pick-up of children. The peak drop-off and pick-up times are, 7:00 am to 9:30 am and 3:30 pm to 6:00 pm.

Hours: Monday – Friday, 7 am – 6:15 pm

Number of children: 77

Noise: The applicant has not had any noise complaints in the past, staff controls children's noise levels.

Trash/Litter: Trash is collected five times a week

PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a day nursery requires two parking space for every classroom. A day nursery with four classrooms will be required to provide eight off-street parking spaces. The applicant is renting 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 KR/King Street urban retail zone. The KR zone does not allow day care operations on the ground floor. This use predates the creation of the KR zone and is allowed as a continuing non-conforming use.

The proposed use is inconsistent with the King Street/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the ground floor of the property for retail, personal service and other pedestrian oriented uses.

II. STAFF ANALYSIS

Staff supports the amendment for increased children at 1500 King Street. There is a great demand for quality child care in Old Town. The applicant has provided child care at this location since 1995. According to the standards set by Virginia Social Services, the space that is currently occupied is sufficient to care for 77 children. Code Enforcement has indicated that with the proper life safety systems improvements, the allowable occupancy will be sufficient to allow 77 children and the necessary staff.

Staff recognizes the importance of adequate parking at this site and has received confirmation of the applicant's lease arrangement with Shiloh Baptist Church to provide the required eight spaces at 1401 Duke Street. Parents currently use the two loading spaces in front of the daycare for drop-off and pick-up and the applicant has indicated that parents will occasionally use one of the many metered spaces on the street as well if the loading zone is occupied.

Staff believes that an additional 17 children at this site will have minimal impact on the neighborhood. 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&CD) (SUP #2277)
2. The room used as a sleeping or quiet area shall be labeled as "Quiet Room" on the door. (Code Enf.) (SUP #2277-A)
3. The day care center's hours of operation shall be limited to 7:00 A.M. to 6:15 P.M., Monday through Friday, as requested by the applicant. (SUP #2277-B)
4. **CONDITION AMENDED BY STAFF:** No more than ~~60~~ 77 children shall be permitted at the day care facility. (PC)
5. The applicant shall provide eight off-street parking spaces for use by employees of the center. (P&Z) (SUP #96-0173)

6. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the child care center. (Police)
7. **CONDITION ADDED BY STAFF:** 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)
8. **CONDITION ADDED BY STAFF:** 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, and on how to prevent underage sales of alcohol. (P&Z)
9. **CONDITION ADDED BY STAFF:** 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)
10. **CONDITION ADDED BY STAFF:** The program shall monitor the number and ages of children in care on a daily basis, with the use of attendance charts, to ensure that they do not exceed their occupancy permit or licensing limits (Virginia Administrative Code-**22 VAC 15-30-100-A**). (Human Services)
11. **CONDITION ADDED BY STAFF:** The program shall not bring strollers for the outdoors directly onto the carpeted play space of the mobile infants. This may be accomplished by establishing a very clear area just inside the door for the strollers that is not accessible to the children (Virginia Administrative Code-**22 VAC 15-30-461-5**). (Human Services)
12. **CONDITION ADDED BY STAFF:** The program shall remove the excess furniture in the space (i.e. baby cribs and other equipment that is not being used) to allow for more useable space in the large front room and to ensure that there is 18 inches of space between the crib to help prevent the spread of communicable diseases. (Virginia Administrative Code-**22 VAC 15-30-510**). (Human Services)
13. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (b) the director has received a request from any person to docket the permit for review, or (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:

- 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)
- F-1 Provide provisions for drop-off and pickup of children. (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 occupancy for the daycare is **65**. An increase in occupancy will require a 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 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.
- F-2 On page - 3 of the submitted Special Use Permit Application the applicant states "*The premisses at one time were shared with a periodontist office, after his departure and modification of the space it can now accommodate 35 additional children.*" Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).

Health Department:

F-1 No Objections

Human Services:

F-1 On Friday, July 27, staff from the office for Early Childhood Development joined representatives of Planning and Zoning and Code Enforcement in a site visit on Tiny Tots, Inc. at 1500 King Street, Suite 105. The Sup Coordinator from P&Z reported that Fairfax Licensing Office was in the midst of investigating violations of the fire code and occupancy permit limits and were also reviewing the provisions of the license granted to this center. For this reason, all comments below are subject to any limits that might be placed in the future on the license granted to this entity.

The original request was to increase in the number of children that may be served in the center from 60 to 95

Recommendations include:

- that the program provide and accurate measurement of the useable square footage at this site, by a licensed engineer, to determine the exact number of children and staff that may be allowed in the center at any one time. State licensing regulations require a minimum of 35 square feet for infants and 25 square feet for older children. (Virginia Administrative Code-22 VAC 15-30-380-C)
- that the program monitor the number and ages of children in care on a daily basis, with the use of attendance charts, to ensure that they do not exceed their occupancy permit or licensing limits (Virginia Administrative Code-22 VAC 15-30-100-A)
- that the program no longer bring strollers for the outdoors directly onto the carpeted play space of the mobile infants. This may be accomplished by establishing a very clear area just inside the door for the strollers that is not accessible to the children (Virginia Administrative Code-22 VAC 15-30-461-5).
- that the program remove the excess furniture in the space (i.e. baby cribs and other equipment that is not being used) to allow for more useable space in the large front room and to ensure that there is 18 inches of space between the crib to help prevent the spread of communicable diseases. (Virginia Administrative Code-22 VAC 15-30-510).

Parks & Recreation:

F-1 No Comment

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.

F-1 The Police Department has no objections to the child care facility increasing the amount of children from 60 to 95.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007 00-11

July

PROPERTY LOCATION: 1500 KING ST SUITES 104 and 105

TAX MAP REFERENCE: 063.04.0A-00 ZONE: OC-H

APPLICANT

Name: K and L, L.L.C.

Address: 1500 KING ST SUITE 105

PROPERTY OWNER

Name: B. Kokos

Address: 1422 Portner Rd suite 5 Alexandria, VA 22314

PROPOSED USE: childcare facility

[] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

PNEUMATIKATOS JERRY
Print Name of Applicant or Agent

1500 KING ST #105
Mailing/Street Address

ALEXANDRIA VA 22314
City and State Zip Code

Signature

703-683-5130 703-683-2006
Telephone # Fax #

Jerry@brentwoodacademy.org
Email address

3/30/07
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

SUP #

2007-0041



APPLICATION

SPECIAL USE PERMIT

All applicants must complete this form. Supplemental signs are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is the (check one):
- ☐ Owner
- ☐ Contract Purchaser
- ☒ Lessee or
- ☐ Other: _____ of the subject property.

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.

Jerry K. Pnevmatikatos, 3704 Colonial Ave. Alexandria, VA 22304 50%

Susan F. Pnevmatikatos, same 50%

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

- ☐ **Yes.** Provide proof of current City business license
- ☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

see attached

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should include such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

Applicant presently provides childcare for 60 children. The premises at one time were shared with a periodontist's office. After his Departure and modification of the space it can now accommodate 35 additional children for a total of 95

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- ☐ a new use requiring a special use permit,
☐ a development special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).

95 children from 7:00 AM till 6:00 PM

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).

22 from 7:00 AM till 6:00 PM

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday through Friday

7:00 AM till 6:00 PM

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No change

- B. How will the noise from patrons be controlled?

N/A

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8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use?

No significant change

- B. How much trash and garbage will be generated by the use?

No significant change

- C. How often will trash be collected?

5 times per week

- D. How will you prevent littering on the property, streets and nearby properties?

N/A

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Evacuation (procedures manual)
sprinkler system

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

[] Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking.

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

8

To be
revised

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B. How many parking spaces of each type are provided for the proposed use:

8 Standard spaces
_____ Compact spaces
_____ Handicapped accessible spaces.
_____ Other.

C. Where is required parking located? (check one)

☐ on-site
☐ off-site

If the required parking will be located off-site, where will it be located?

the process of changing

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

see page 2 of supplemental

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? _____

D. During what hours of the day do you expect loading/unloading operations to occur? _____

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? _____

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16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is Adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building?

☒ Yes

☐ No

Do you propose to construct an addition to the building?

☐ Yes

☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

2970 sq. ft. (existing) + _____ sq. ft. (addition if any) = 2970 sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building

☐ a house located in a residential zone

☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☒ an office building. Please provide name of the building: 1500 KING ST Condominium

☐ other. Please describe: _____

CHILD CARE HOMES and CHILD CARE CENTERS

Applicants for both child care homes and child care centers (day care center, day nursery and nursery schools) shall complete this section.

1. How many employees will staff the child care facility, including the operator?

22

How many staff members will be on the job at any one time?

2. Where will staff and visiting parents park?

Employees off street Parents 14 meter spaces by entrance

3. Please describe how and where parents will drop off and pick up children.

The children are dropped off and picked up in designated parking which is sufficient to handle the proposed increase

4. At what time will children usually be dropped-off and picked-up?

Drop-off

7:00 - 9:30 am

Pick-up

3:30 pm - 6:00 pm

5. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

we use the Buchanan Park

6. Are play areas on the property fenced?

Yes

No

If no, do you plan to fence any portion of the property?

Yes

No

Please describe the existing or proposed fence.

N/A

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CHILD CARE CENTERS ONLY

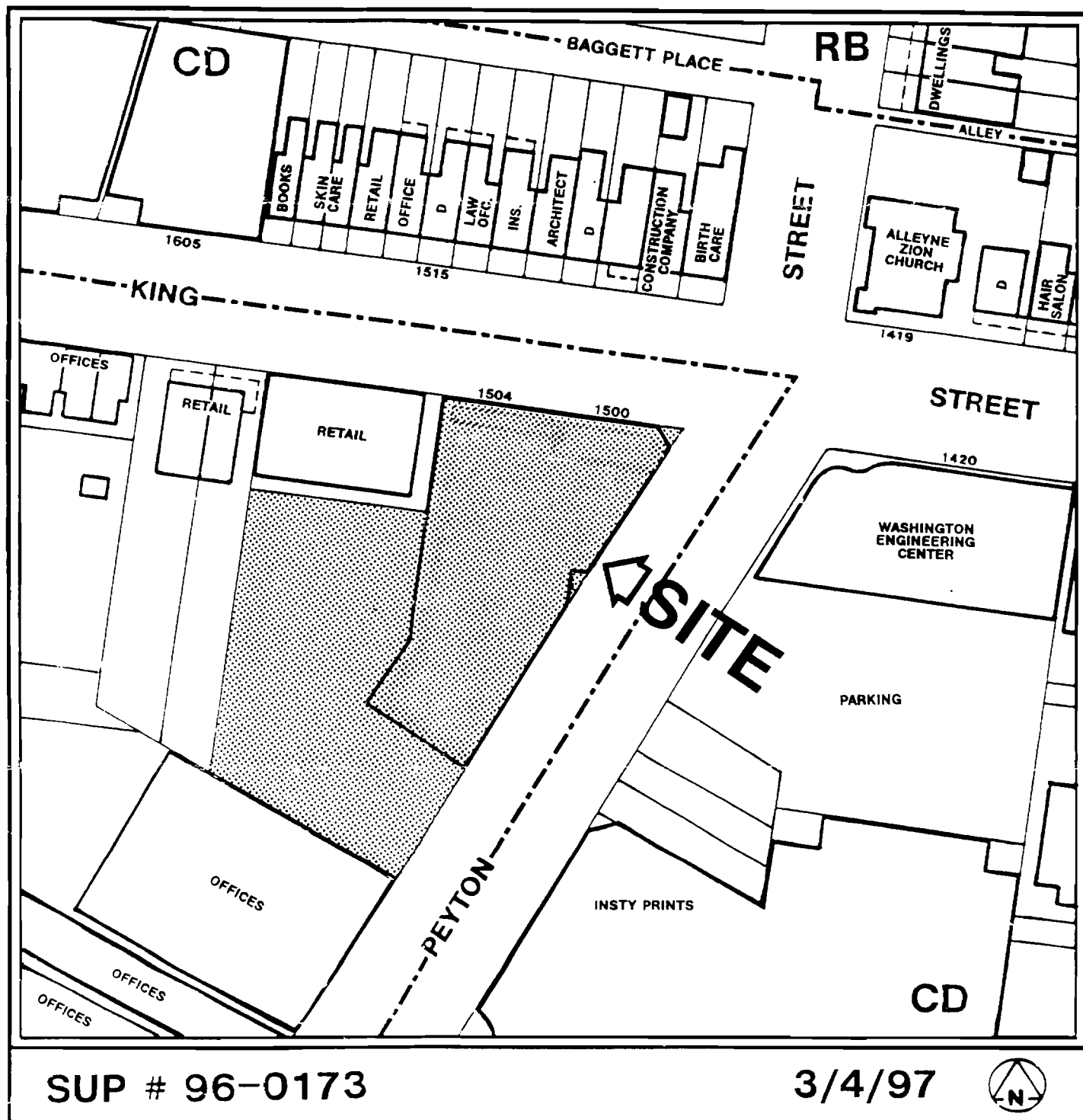
Applicants for child care centers (day care center, day nursery and nursery schools) shall complete this section.

1. How many children will be cared for during one day? 95
2. What age children do you anticipate caring for? 6 weeks to 4 years
3. Does the operation have a license from the State of Virginia for a child care facility?
X Yes No
If yes, provide a copy of the license.



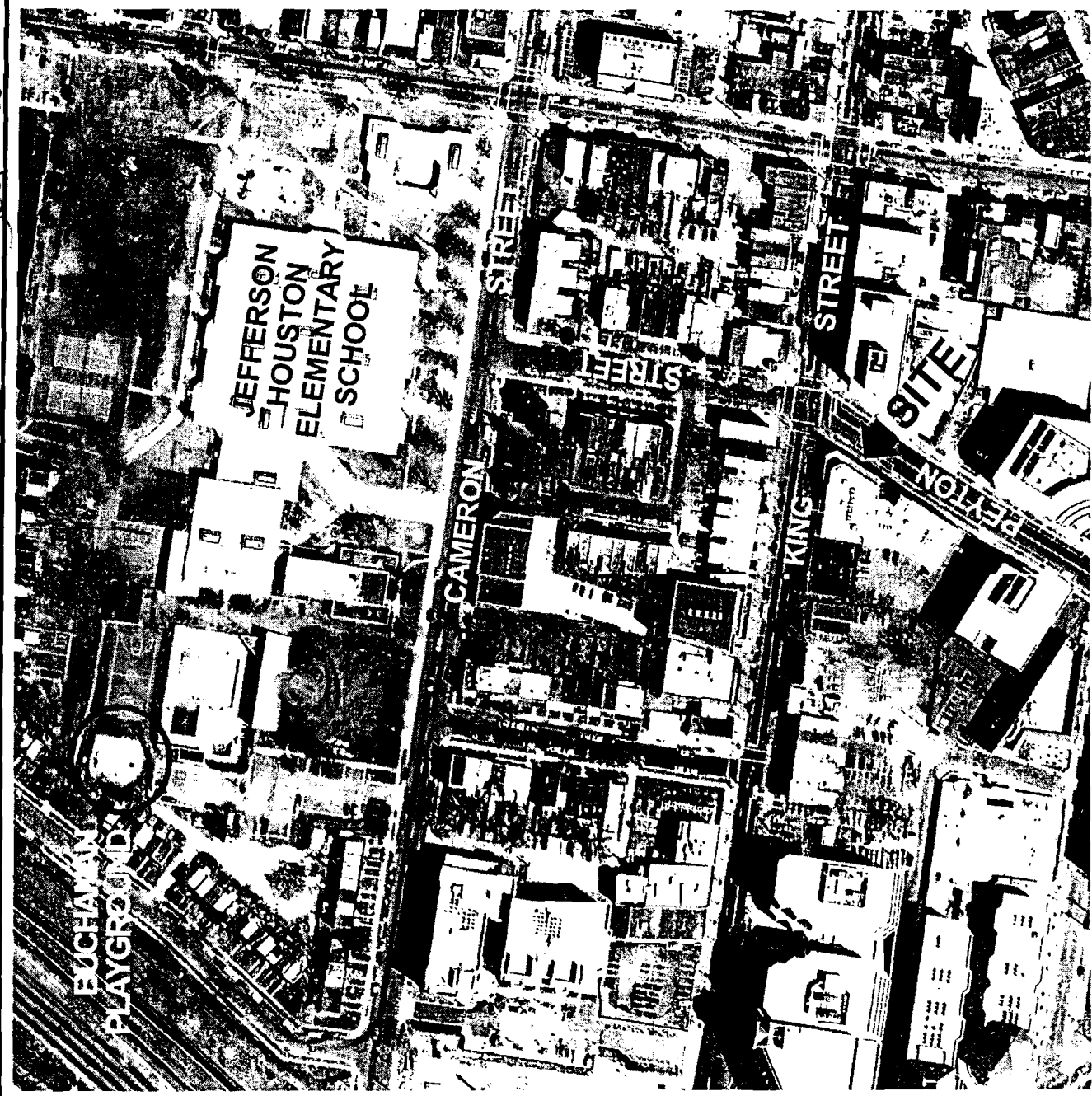
SUP 200-1 004

The subject and surrounding land uses are shown on the sketch below.



(Not to Scale)

SUP 2007-0071



SUP #96-0173

3/4/97



Graphics by Planning & Zoning Dept., City of Alexandria
VARGIS Imagery Copyright 1996

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Commonwealth of Virginia

DEPARTMENT OF



SOCIAL SERVICES

CHILD DAY CENTER

LICENSE

Issued to: Tiny Tots Playroom, operated by K&L, L.L.C.

Address: 1500 King Street, #105, Alexandria, Virginia 22314

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia as amended, the established rules and regulations of the Child Day Care Council and the specific limitations prescribed by the Commissioner of Social Services as follows:

Capacity: 65 Children from birth through 4 years of age may be accepted for care.

This license is not transferable and will be in effect from March 31, 2005 through March 30, 2007 unless revoked for violations of the provisions of law, or failure to comply with the limitations stated above.

ISSUING OFFICE:
Division of Licensing Programs
Fairfax Area Office
11320 Random Hills Road, Suite 200
Fairfax, Virginia 22030
Telephone: (703) 934-1505

ANTHONY CONYERS, JR.

Commissioner of Social Services

By

Jenifer H. Nalli
Jenifer H. Nalli

Title

LICENSING ADMINISTRATOR

LICENSE NUMBER: FX. 05-460-L152

Date

June 1, 2005

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October 10, 2007

TO:

Alexandria Department of Human Services

Suzanne Chis, Director
2525 Mount Vernon Ave.
Alexandria, VA 22301
(703) 838-0700

Virginia Department of Social Services

Mary J. Beahm, Inspector
Cheryl Morris, Senior Inspector
Fairfax Area Licensing Office
11320 Random Hills Road
Suite 200
Fairfax, VA 22030

City of Arlington

Susanne Eisner, Director
Valerie C. Cuffee, Child and Family Services/Director of Social Services,
Department of Human Services
3033 Wilson Blvd.
Suite 700-A
Arlington, Virginia 22201

***RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES
AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE
FACILITIES***

I am writing in reference to continued operation of three daycare facilities by Susan and Jerry Pnevmatikatos and the potential opening of a fourth facility. These facilities are operated in the City of Alexandria (Tiny Tots Playroom), the county of Fairfax (Brentwood Academy) and the City of Arlington (Blue Bird Day School). A quick check on the VA Department of Social Services web site will show the number of violations the three current facilities have incurred this year alone. As a parent of two former attendees of Tiny Tots and Brentwood, I wanted to write a reference for the files of Susan and Jerry Pnevmatikatos and ask that each of you read this and consider it when these people ask for continued licensing for their facilities and for any consideration for new or expanded facilities, which they are in the process of doing now.

My knowledge of the events both from the inspector reports as well as from personal experience shows that Susan and Jerry Pnevmatikatos deliberately ignored state, city and county regulations in operating these facilities. They did so for their own personal gain and without regard to the best interests of the children they cared for, their staff or the families of the children. The reports

RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE FACILITIES

only piece together some of what occurred and continues to occur at the three schools. I think that everyone involved with decisions that allow these two people to continue operating child care facilities should be fully aware of the situation.

On March 30th of this year (see DSS report), Tiny Tots was found to be significantly overcapacity by DSS and Alexandria code enforcement officials. The owners were operating under a special use permit from 1997 which allowed them to be over the original occupancy rates set by the fire department of 65 (children plus staff), but they were far above that capacity limit. They had interpreted that special use permit to only apply to the children, not their staff. Even without considering the staff count, they were still far above the expanded capacity with 95 children enrolled and about 20 caregivers. The owners were told to straighten it out quickly and that random inspections would begin to ensure compliance.

What this initial report does not catch and what no report catches in full, is that the owners operate a shuttle bus service between Tiny Tots and Brentwood and Blue Bird. Children who attended Brentwood and Blue Bird are dropped off at Tiny Tots by their parents and returned there in the afternoon. The owners told inspectors during an inspection on May 22nd of this year that the bus riding children stayed in a foyer area and were only there 15-20 minutes or so after the bus dropped them off. This is a complete falsehood.

These 30 odd children who rode the bus to Brentwood and Bluebird were allowed to come to Tiny Tots as soon as they opened at 7 am. Brentwood kids left at 8 am and Blue Bird kids at about 845 am. They were dropped back at Tiny Tots around 330 pm and 415 pm respectively and were allowed to stay in the main room (the 2-3 yr old room) until closing. Once you account for these additional children, you can see that the capacity issues at Tiny Tots were far worse than even the inspectors had suspected since these bus riders were not there when the inspectors arrived during the middle of the day. What is troubling is that the owners would tell such a complete lie to avoid penalties.

Back in March, when the first notice of the overcrowding appeared in inspection reports, the owners began shuffling children between the schools. My 3 yr old son and about 10 others were moved suddenly to Brentwood and Blue Bird even though we had been told he could not start there until September. Several children in the infant and toddler rooms were asked to leave at that time. This was an effort to stay a step ahead of the inspectors, and it was noted in a May 10th report by DSS under the Blue Bird Day School file, but reported under the Tiny tots or Brentwood files where the problem originate and also occurred..

In late May, Blue Bird was shut down for being overcrowded as well as violating building and safety codes. Concerned parents swarmed Tiny Tots that evening to find out what was going on. Parents who stopped to listen to the drama were told that Tiny Tots would be closed the following day to address the overcrowding but no notice was posted on the door. Many parents left without any knowledge of the closure at all and Brentwood parents were completely unaware of the situation.

RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE FACILITIES

Parents of bus riders to Brentwood were asked by the owners not to bring their children to Brentwood the following day because they suspected the inspectors would go there next. They were right. In an effort to pretend that there was not an overcrowding issue at Brentwood, the owners had the teachers remove our children's belongings and all evidence that they went to Brentwood. My son's belongings, this sign for his cubby, his sleeping mat, etc., along with those of his bus riding friends, were shoved into a closet in trash bags. I shudder to think what the owners would have done if the children had been there when the inspectors arrived. Once I learned of this blatant disregard for the rules, I and many parents decided our children would not be returning the next day even if we made the cut which was done to address the overcrowding issue.

In regards to the decrease in enrollment which had to occur, the owners did not tell parents that their children were being-kicked out. Through the grapevine, parents heard that if they DID NOT receive a call from the owners the evening Tiny Tots was shut down, we should assume our children were not being asked back. The owners did nothing to work with parents or the various departments to make this transition easier for children, families or staff. Staff members were immediately fired as well with no notice and, likely, no severance.

The owners had also been violating regulations which required them to have staff who spoke English well enough to communicate with emergency workers and parents. This was not the case. In my three and a half years at Tiny Tots, there were only a small handful of caregivers who spoke English at that level. When I raised this with Jerry, he never informed me that this was against regulation, he just acknowledged it as a problem. Several times there were no English speakers assigned to a particular room at all. The main supervisor served as a translator for all rooms.

The children from Brentwood in the K-3 program were kicked out with several weeks left in their school year and no discussion of how this might affect their children's ability to graduate to the next grade level. Blue Bird was shut down for several weeks with no communication on when it might reopen.

The children had no opportunity to transition out of their facility and many children and caregivers were absolutely distraught and traumatized by the situation. The owners finally "apologized" in the form of a 2-3 sentence statement on their website, but when speaking to parents they took no responsibility, instead blaming the inspectors for having a "personal vendetta" against them.

Since that time, the owners have applied for a license to open a new facility in the City of Alexandria and have petitioned the City Council for an amended special use permit for the existing Tiny Tots facility. I strongly urge the licensing board and the City Council to deny these requests. These people have shown a blatant disregard for the authority of the Cities of Alexandria and Arlington, the County of Fairfax and the State of Virginia. They have also shown a disregard for the emotional well-being of the children entrusted to their care as well as their own staff. Their handling of this entire situation, which they themselves brought on, exposes them as untrustworthy and neglectful. Please do not reward them with the right to expand their businesses further.

RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE FACILITIES

If anyone copied on this letter would like to ask me or other parents additional questions, please do not hesitate to do so. I am painfully aware of the need for good childcare in this area, especially for infants, but unfortunately, these owners are not worthy to provide that service any longer. While we got excellent care from the caregivers at Tiny Tots, the reprehensible actions of the owners cannot be ignored.

Respectfully,



Robin Bectel

Mother to Steven and Katie

5709 Grigsby Ave
Alexandria, VA 22311
703-244-2242



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0041

PROPERTY LOCATION: 1500 KING ST SUITES 104 and 105
TAX MAP REFERENCE: 063.04-0A-00 ZONE: OCH

APPLICANT

Name: K and L, L.L.C.
Address: 1500 KING ST SUITE 105

PROPERTY OWNER

Name: B. Kokos
Address: 1422 Portner Rd suite 5 Alexandria, VA 22314

PROPOSED USE: childcare facility

[] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

PNEUMATIKATOS JERRY
Print Name of Applicant or Agent

1500 KING ST #105
Mailing/Street Address

ALEXANDRIA VA 22314
City and State Zip Code

[Signature]
Signature

703-683-5130 703-683-2006
Telephone # Fax #

Jerry@brentwoodacademy.org
Email address

3/30/07
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 10-2-07

ACTION - CITY COUNCIL: CC approved the PC recommendation 7-0 10/13/07
w/amendments (see attachment)

6. SPECIAL USE PERMIT #2007-0074
4653 DUKE STREET
JAMBA JUICE
Public Hearing and Consideration of a request to operate a restaurant; zoned CG/Commercial General. Applicant: Jamba, Inc by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

7. SPECIAL USE PERMIT #2007-0057
1203 KING STREET
FAR INCREASE
Public Hearing and Consideration of a request for an increase of the floor area ratio and a parking reduction; zoned CD/Commercial Downtown. Applicant: Art Underfoot, Inc by Nabi Nasser

PLANNING COMMISSION ACTION : Recommend Approval 7-0

8. ENCROACHMENT #2007-0007
700 SOUTH ROYAL STREET
FENCE ENCROACHMENT
Public Hearing and Consideration of a request for an encroachment into the public right-of-way; zoned RM/Residential. Applicant: James Warbasse by Duncan Blair

PLANNING COMMISSION ACTION : Recommend Approval 7-0

END OF ACTION CONSENT CALENDAR

City Council approved the action consent calendar, with the removal of docket items #3 and #4, which were considered under separate motions. The approval was as follows:

3. City Council approved the Planning Commission recommendation with the following amendments: (1) removal of condition #8 preventing underage sales of alcohol and (2) inclusion of a requirement that requires the facility to post the number of children being served per day, as well as the number of children the facility is allowed to serve. **(separate motion)**

4. City Council approved the Planning Commission recommendation. **(separate motion)**

5. City Council approved the Planning Commission recommendation .

6. City Council approved the Planning Commission recommendation .