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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: May 15, 2012
SUBJECT: BZA Case 18348 – 2525 Ontario Road, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 205, Child Development Center; and
- § 2101 (five off-street parking spaces required, none proposed).

Subject to the following conditions, as proposed by the applicant based on the previous approval and on the improvements made to the site since the previous application was granted for this use:

1. There shall be a maximum of 65 children at the center at any one time, with a maximum total enrollment of 150 students.
2. The maximum number of staff shall be 21.
3. The applicant shall maintain the trash area on the grounds of the Ontario House. The trash area shall be walled on three sides and gated on the fourth. The walls and floor shall be concrete and/or masonry with an area drain for ease of cleaning. An on-grade concrete slab shall be provided within the trash area to allow for daily cleaning.
4. Wood chips or a soft water permeable surface shall be provided in the play area.
5. An eight-foot high wooden fence topped with a trellis shall be maintained along the northern property to contain noise from and reduce visibility of the outdoor play area.

II. LOCATION AND SITE DESCRIPTION

Address	2525 Ontario Road, N.W.
Legal Description	Square 2565, Lot 805
Ward	1
Lot Characteristics	Rectangular lot with no alley access
Zoning	R-5-B – moderate density general residence district
Existing Development	Three-story apartment building with day care center
Adjacent Properties	North & West: Apartments East: Across Ontario Road, mixture of commercial and residential uses South: Row houses

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18348

EXHIBIT NO. 35

Board of Zoning Adjustment
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Surrounding Neighborhood Character	Mixture of residential types, with commercial uses along Columbia Road
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III. APPLICATION IN BRIEF

The subject day care center was approved by the Board in 2006 subject to the following conditions:

1. Approval shall be for THREE (3) YEARS.

The child development center is currently operating pursuant to a temporary C of O that expires June 30, 2012. The center did not begin operating until 2009 and the original C of O expired in early 2012. The applicant requests to eliminate this condition as the center is operating without complaints from the neighborhood.

2. There shall be a maximum of 50 children at the center at any one time, with a maximum total enrollment of 150 students.

The applicant proposes to increase the maximum number of children at the center at any one time to 65; the maximum enrollment would remain at 150 children.

3. The maximum number of staff shall be 16.

The applicant proposes to increase the maximum number of staff to 21.

4. The Applicant shall maintain the trash area on the grounds of the Ontario House. The trash area shall be walled on three sides and gated on the fourth. The walls and floor shall be concrete and/or masonry with an area drain for ease of cleaning. At the trash area, a concrete slab, on grade shall be provided to allow for daily cleaning of the area.

The applicant proposes no changes to this condition.

5. Low mounted "yard lights" shall be provided to illuminate the grounds of the property and security of the building. These lights may be supplemented with low walkway lights for special effects. Each door opening shall have a glowing light for security.

The applicant proposes to eliminate this condition and not require lighting for the illumination of the grounds.

6. At the entry to the building, poured in place, scored concrete shall provide an impervious surface for the day to day entry walk from the street to the facility. In the play area, wood chips of soft water permeable surface shall be provided. At the planter box, concrete pavers set in sand shall be provided around the sand area. Along the north side of the property, the tricycle area shall have a recycled rubber paving material typically found in children's play areas.

The sand box has been removed, tricycles will not be used and the impervious surface for the day to day entry walk from the street to the facility has been constructed. Therefore, the applicant proposes delete references to these items.

A child care center with a staff of 21 requires five off-street parking spaces. As the site contains no off-street parking spaces, the application also requests that the number of required off-street parking spaces be reduced to zero. The original application was granted reducing the number of off-street parking spaces from four to

zero. The addition of five employees generates the need for one additional space. Similar to the previous application, the applicant requests to again reduce the parking requirement to zero.

The applicant has been leasing two parking spaces at the Festival Center for use by its employees and plans to continue to do so for the convenience of employees that may desire to drive.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-5-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	50 ft. max.	42.5 ft.	42.5 ft.	None required
Lot Width § 401	None prescribed	100 ft.	100 ft.	None required
Lot Area § 401	None prescribed	15,000 SF	15,000 SF	None required
Floor Area Ratio § 402	1.80 max.	1.68	1.68	None required
Lot Occupancy § 403	60% max.	49%	49%	None required
Rear Yard § 404	15 ft. min.	15 ft., 3.5 in.	15ft., 3.5 in.	None required
Side Yard § 405	10.6 ft. min.	Min 7 ft., 11 in.	Min. 7 ft., 11 in.	None required
Open Court § 406	10 ft., 8 in.	29 ft., 7 in.	29 ft., 7 in.	None required
Parking § 2101	5 spaces	None	None	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2101, Number of Parking Spaces Required

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property was developed in 1922, prior to the adoption of the Zoning Regulations. It has no alley access and narrow side yards, measuring either nine feet or seven feet, eleven inches in width, insufficient to allow for vehicular access to the rear of the lot. Although the property is developed with a large open court in the center of the site almost thirty feet in width, the entire courtyard is located to the front of the building, an area prohibited for use as parking by the Zoning Regulations. The courtyard is also located at an elevation above that of the street and reached only via a series of eleven stairs, making it inaccessible for parking. Therefore, the existing development of the site results in an exceptional situation resulting in a practical difficulty for the applicant to provide on-site parking.

ii. No Substantial Detriment to the Public Good

A day care center currently operates at the site with a maximum of 50 students at a time and a staff of sixteen. Currently 75 percent of the children are residents of Jubilee Housing, with the remainder living within the neighborhood, and 75 percent of the staff arrives at the center by means other than private car, minimizing the need for off-street parking. The proposed increase of children by 15 and the concurrent increase in staff by six are minor. As the applicant expects that these ratios would continue following the expansion of the child development center, there should be no substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The variance to reduce the parking to zero would not result in substantial harm to the Zoning Regulation because the majority of the employees and all of the children currently live within the neighborhood, and the applicant expects that this ratio would continue following

the expansion in the maximum number of students at the center at one time and the increase in staff.

b. Special Exception Relief pursuant to § 205

i. Child development centers are permitted by special exception subject to the following criteria:

205.2 The center or facility shall be capable of meeting all applicable code and licensing requirements.

The application indicates that the center would be capable of meeting all applicable code and licensing requirements. OSSE would license the center based on the capacity indicated on the Certificate of Occupancy.

205.3 The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.

The application indicates that seventy-five percent of the children live within Jubilee housing and that the remaining twenty-five percent live within the neighborhood. As almost all of the children would continue to be expected to walk to the center there would be no resulting objectionable or unsafe conditions for the picking-up and dropping-off of children.

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

The applicant expects that seventy-five percent of the teachers would arrive at the site by means other than private automobile and that almost all of the children would live within the neighborhood, minimizing the need for off-street parking. The previous application reduced the parking requirement from four to zero. As most teachers, employees and visitors would continue to be expected to arrive at the site other than by car, no on-site parking would be needed to sufficiently meet the needs of the center.

205.5 The center or facility, 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 applicant constructed and proposes to maintain an eight-foot high wooden fence topped with a trellis along the northern property to contain noise from and reduce visibility of the outdoor play area.

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.

The previous approval was subject to conditions that required the applicant to store its refuse within an enclosed structure, provide security lighting at the entrances, provide appropriate surfaces for entry walks to the center's entrances and use

appropriate surface materials within the outdoor play areas. The Office of Planning recommends that these be continued as appropriate to the application.

As the sandbox and tricycle track are no longer proposed, references to these are no longer applicable. The impervious paving for access to the center has been constructed, and illumination of the grounds is not necessary for the operation of the center. OP continues to recommend that the applicant continue to provide the trash area and suitable surfaces for the outdoor play areas as previously approved as these remain relevant to the application.

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

The applicant informed the Office of Planning that it would make use of several off-site play areas located at nearby public parks. Each of these parks would be accessible via public sidewalks and the children would be crossed at intersections where crosswalks are available.

- 205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility 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 Office of Planning is unaware of any other child development centers within the subject square. However, the applicant operates three other child development centers nearby. As these centers primarily serve residents of the neighborhood, the total number of centers is seen as an amenity to a neighborhood in need of this type of service and the cumulative effect of these facilities would not have an adverse effect on the neighborhood.

- 205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, 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.*

No reports were received.

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

The Office of the State Superintendent of Education (OSSE) recommended that the application be approved and that the licensure capacity would be based on the issued Certificate of Occupancy.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is to permit the continuation of an existing child development center as permitted by special exception within the R-5-B district. The center would continue to be a neighborhood amenity, primarily serving neighborhood families and residents.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The continued use of the ground floor of the building as a child development center would not affect adversely the use of neighboring property. The use would continue to take place primarily indoors, and the applicant has constructed fencing between the subject property and the property to the north to buffer noise from and screen visibility of the outdoor play area. It would also help serve the desired child care needs of the surrounding neighborhood.

VI. COMMUNITY COMMENTS

ANC 1C, at its regularly scheduled meeting of April 4, 2012, voted to support the application.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The Office of the State Superintendent of Education (OSSE), in a memorandum dated February 14, 2012, recommended that the special exception be granted.

Attachment: Location map

