GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: June 12, 2001

SUBJECT: BZA Case # 16714 Special Exception Request

APPLICATION-IN-BRIEF

Applicant: Parklands, Inc.
1931 Savannah Street, S.E.
Square 5900 Lot 20

Relief Sough: Special Exception to allow a Deli in the R-5-A District

From Section: 11 DCMR §3104.1

Relief Sought Under: §354.1

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

Applicant's Justification:

The applicant, Parklands, Inc. is requesting a Special Exception from the provisions of § 3104.1, to establish a deli out in a splash park/recreation area at the Villages of Parklands. The subject site is on Square 5900, Lot 20, at premise address 1931 Savannah Street, S.E.

BZA
Case No. 16714
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO.16714
EXHIBIT NO.21

SITE AND AREA DESCRIPTION

The subject site is in the Parkland neighborhood of Ward 8. Alabama Avenue generally bounds the neighborhood to the north, 21St Street to the east, Mississippi Avenue to the south and Stanton Road to the west. The Parkland housing complex, (known as the Villages of Parkland) consumes most of the area within the above referenced boundaries. The Villages of Parkland is a rental community, consisting of 97 separate buildings, which contains 869 units. The complex is divided into four separate villages, Ridgecrest, Manor, Garden and Grandview. Ridgecrest has 272 units, of which only 4 are one-bedroom, 180 are two-bedroom, and 88 are three-bedroom units. Manor has 343 units almost equally divided between one-bedroom units (188) and two-bedroom (155) units. The Garden Village contains 230 units, of which 114 are one-bedroom; 106 are two-bedroom, 6 are three-bedroom and 4 are four-bedroom units. Grandview Village has 12 one-bedroom units and 12 two-bedroom units.

Oxon Creek is a town home community within the Parkland complex, which offers housing ownership opportunities. These units are located on the lower portion of the Parkland tract, with homes being constructed, fronting on 19th, 21st Street and on Mississippi Avenue.

The Parkland neighborhood is developed mostly with garden apartments. With the exception of the town homes under construction in the southern portion of the neighborhood, all of the remaining units are garden apartments. There are three small retail areas beyond the Parkland boundaries, which serve the residents of Parkland. One is to the northwest, at Alabama Avenue and Stanton Road. There is a second commercial area, to the northeast, on Alabama Avenue, between 21st &22nd Streets. There is a third retail area to the southeast of the neighborhood, at 22nd and Shipley Terrace. These retail centers offer a limited range of personal services establishments, including fast food restaurants, mom & pop stores, liquor stores, dry cleaners and gas stations.

AREA ZONING

The subject property is located in the R-5-A zoned district. The R-5-A district is designed to permit a flexibility of design by permitting in a single district, all types of urban residential development if they conform to the height, density, and area requirements established under chapter 4, Residential District: Height, Area, and Density Regulations. In R-5-A districts only a low height and density shall be permitted. (The maximum allowable height in the R-5-A zone is 40 feet as a matter of right, 60 feet, if PUD. The total FAR is 0.9)

APPLICANT'S PROPOSAL

The applicant (Parkland Inc.) initiated the splash park at the Villages of Parkland during the summer of 1998 and continued its operation for the 1999 summer season. The concession stand was provided by the owner, and operated at the splash park for both the 98 & 99 seasons. During the 2000 summer season, a routine field inspection, conducted by heath inspectors from the Department of Health, cited the owner for not having:

1) A license to operate a concession stand; and

2) For using unlicensed food handlers.

As a result of the citations, the concession stand was shut down. The owner, at the time of the citations, was unaware of the license requirements. The concession stand was not operated during the 2000 summer season, pending resolution of the license issue.

The applicant proposes to operate a concession stand in the area of an existing splash park, for the purpose of providing convenient lunch and snacks for park patrons. The park will operate from Memorial Day through Labor Day, between 12 Noon and 8 PM, from Tuesday through Sunday. The pool is for "splash" purposes only and provides recreational opportunities mainly for young residents of the Villages of Parklands.

There are two different pools within the park; one is a 212-foot wading pool, designed for toddles and the main pool is a 200 x 100 square foot oval, which is more suited for older children. The depth of the main pool, at the deepest point is 4 feet. There is a sizable deck area around the splash pool, complimented with umbrella tables, chairs and chaise loungers. These areas are designed for parents and guardians to use when they are supervising their children. There are no other recreational facilities in Ward 8, or in any other ward in the city, like the splash-park at Parklands. The facility offers a state-of-the-art, recreational safe haven for the children of the Parkland neighborhood. The children literally spend hours at the splash park everyday during the summer and for most of them, Parkland, Inc. will provide their lunch and afternoon snacks while parents are at work.

There are no food establishments in the immediate vicinity (four block radius) of the Parklands Splash Park The concession stand will be a very important amenity for children who take advantage of this convenient recreational activity. Two employees of Parklands, Inc, will operate the concession stand. One of the employees will be required to complete a 16-hour food handler certification course at the University of the District of Columbia. The concession stand will operate on a non-cash basis. Users will purchase a "debit card" when entering the park, which they may use until the purchase limit is reached. This method will be safer and easier for park patrons and will provide a level of security for parents, because it will reduce the need for children to manage cash while enjoying the splash park.

In the Ward 8 community, many of the playgrounds or other recreational areas are unsupervised, ill equipped and generally unsafe. The splash park is a new addition to the recreational amenities for the community. It is essential for the safety and welfare of small children that will use the splash park is able to get lunch and snack on the premises, without leaving the confines of the park. The concession stand would provide snack items such as individual pizzas, hot dogs, Popsicle's, ice cream, snow cones, hot pretzels, cotton candy, fountain drinks, popcorn and potato chips.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the area around the subject site as being in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartment are the predominant uses in this land use category. Low-density houses may also be included in this category.

Chapter 3 of The Comprehensive Plan: Housing Element, Declaration of Major Policies, subsection 300.4; identify housing as a key part of a total living system that includes access to recreational facilities, and playgrounds, among other basic amenities.

Under ***Chapter 11, Land Use Element***, subsection 1100, Declaration of Major Policies, 1100.2 (a) includes the availability of adequate recreational opportunities as necessary ingredients of neighborhood vitality.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR §3104.1, the applicant is requesting a special exception under subsection 354, to operate a convenience store in an apartment, which is in the R-5-A zoned district.

AUTHORITY TO GRANT SPECIAL EXCEPTION

11 DCMR 3104.1 is the D.C Code provision that authorizes the Board of Zoning Adjustment to grant the requested special exception, as provided in this Title, "where by in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows: Commercial adjuncts to an apartment house, in any R-5 district, subsection 354."

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Subsection 354.2 - The adjuncts authorized under this section shall be limited to the main floor of the building or below.

> **Yes.** The proposed concession stand will be located on the patio surface of the splash park, near the southeast corner of an 11,600 square foot site. The park is situated close to the middle of the buildings that comprise the Parkland properties.

Subsection 354.3 - There shall be no entrance to the adjunct from outside of the building.

> **No.** The only entrance to the concession stand is through a controlled gate at the entrance to the bathhouse.

Subsection 354.4 - No part of the adjunct or the entrance to the adjunct shall be visible from the outside of the building.

No. The designated site for the concession stand (situated at the southeast corner of the property, near the rear of the bathhouse) will only be visible from the buildings that comprise the Villages of Parkland.

Subsection 354.5 - No signs or displays indicating the existence of the adjunct shall be visible from a sidewalk.

No. The adjoining sidewalk, (1900 block of Savannah Street) is to the front of the splash park. The bathhouse structure and a large childcare facility immediately on the east sides of the bathhouse limit the visibility of the concession stand from the sidewalk, outside the Parkland community.

Subsection 354.6 - The center of the principal entrance of the apartment house shall be more than one-forth (1/4) miles walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial district.

Yes. The center of the entrance to the splash park is more than four blocks to the north west of the nearest business street, which is Alabama Avenue. There are no industrial areas in the immediate vicinity.

Subsection 354.7 - Subject to compliance with the provisions of §354.6, these uses may also be permitted within an interior patio or other type of open ground level area, provided, that the following conditions shall be met:

(a) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use.

All access to the concession area will be through the bathhouse entrance, which leads to the two referenced splash pools.

(b) **No part of the adjunct, or any signs or display indicating the existence of the adjunct shall be visible from a public sidewalk**.

There will be no signs or displays indicating the existence of the concession stand from a public sidewalk.

Subsection 354.8 - The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established commercial districts, but in order to protect the value and stability of these districts, the Board shall give consideration to the following:

(a) **The proximity of Commercial districts to the adjunct proposed**.

There are three small neighborhood-serving retail areas beyond the Parkland boundaries, which serve the residents of Parkland. One is to the northwest, at Alabama Avenue and Stanton Road. There is a second commercial area, to the northeast, on Alabama Avenue, between 21st &22nd Streets. There is a third retail area to the southeast of the neighborhood, at 22nd and Shipley Terrace. None of these centers are within four blocks of the splash park.

(b) The adequacy and convenience of parking spaces existing in or for those Commercial districts.

Each of the referenced retail centers has parking spaces available, but the numbers of spaces are sometimes inadequate to meet the parking demand.

It should be noted that the users of the splash park and the concession stand are mostly the youth of the Parkland community. They are mostly too young to have drivers' licenses, and therefore are not affected by the availability of parking spaces at nearby retail centers.

(c) The adequacy and scope of commodities and services provided within those Commercial districts.

The referenced retail centers offer a limited range of personal services establishments, including fast food restaurants, mom & pop stores, liquor store, dry cleaners and a gas station.

It is important to understand that the average age of most of the users of the splash park is less than ten years old. There are risk factors, in terms of personal safety, if such young people are allowed to go unescorted to commercial centers.

(d) **The size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct**.

The total cost for providing and staffing the concession stand, as is the case of the splash park, will be borne by the operators of Parkland, Inc. Further, the owner's commitment will extend to providing free lunch and snack for users of the park, who are unable to pay.

The proposed concession stand (as a complement to the accessory splash park, which provides a unique recreational facility for the children of the Villages of Parkland) can be done as an adjunct service, at the splash park for the residents of Parkland. This use is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. Because the splash park is unique to the District of Columbia, and it is located near the

center of a very large rental-housing complex, it is very unlikely that the concession stand will affect adversely the use of any neighboring property.

COMMUNITY COMMENTS

The subject project was presented to Advisory Neighborhood Commission (ANC) 8A, at the regular monthly meeting, on April 15, 2001. The ANC voted unanimously to support the project. There was also very strong support from a large turns out of residents (mostly from the Parkland Community) that attending the meeting.

OP SUMMARY RECOMMENDATIONS

The Office of Planning, after having reviewing the application submitted by Parkland Inc., (pursuant to 11 DCMR §3104.1 for a Special Exception under subsection 354.1 to allow a deli in the R-5-A District, concludes that the project meets the applicable test in the Zoning Regulations and will not adversely affect neighboring property or impair the integrity or intent of the zone plan. Therefore, OP recommends that the Board of Zoning Adjustment approve the application.