Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: December 17 2001

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Report on BZA #16808

The attached report concerning BZA Application #16808 is being submitted less than 7 days prior to the Board of Zoning Adjustment consideration of the item scheduled for public hearing. The Office of Planning respectfully requests that the Board of Zoning Adjustment waive its rule and accept the report into the record.

Attachment

AA/jem

BZA
Case No. 16808
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16808
EXHIBIT NO.26

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: December 18, 2001

SUBJECT: BZA Case # 16808 Special Exception Request

APPLICATION-IN-BRIEF

Applicant: Abigail Y. Parker
657 Lebaum Street, S.E.
Square 5951, Lot 808

Relief Sought: Pursuant to 11 DCMR 3104.1 the applicant is requesting a special exception to permit more than 5 children in a private home based child development center, located in the R-2 Zone District.

From Section: 11 DCMR 3104.1

Relief Sought Under: Subsection 205

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

Applicant's Justification:

Ward 8 has the city's highest percent of youth population, low-income residents, and female-headed households. The demographics in the subject area (the Congress Heights neighborhood) are consistent with those in the ward in general. There is a critical need for childcare services in the Congress Heights neighborhood, especially for the growing number of female heads of household who are participating in the "Welfare to Work" program.

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SITE AND AREA DESCRIPTION

The subject premises is in the Old Congress Heights neighborhood of Ward 8, located at 2907 7th Street, SE, which is one-half block off Martin Luther King, Jr. Ave. The proposed extension of the Dawn to Dusk Childcare Center is on the Westside of 7th Street, near the intersection of Martin Luther King, Jr. Ave and LeBaum Street. The applicant has an existing childcare center just north of an abutting alley from the subject center at the northeast corner of 7th & LeBaum Streets. The existing center has been at its location for over twenty-five years.

AREA ZONING

The subject site is in the R-2 zone district. The R-2 district consists of those areas that have been primarily developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development. One-family detached dwellings are permitted in the R-2 zone district. A child development center is permitted in R-2 districts by special exception, if the facility meets the provisions of Section 205 of the Zoning Regulations, and is approved by the BZA.

APPLICANT'S PROPOSAL

The applicant purchased the property at 2907 7th Street, S.E. and proposes to build an extension to an existing childcare center across an abutting alley from the existing center, at 657 LeBaum Street, S.E. The extension is needed because the existing center, with 49 slots, cannot meet the demand for childcare services in the Congress Heights neighborhood. The extension facility will be designed to accommodate 40 infant/toddlers, 6 months to 3 years, 25 before and aftercare children between 4 and 12 years of age, and 12 staff members, on the first floor and the basement of a private home.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

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

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR §3104.1 the applicant is requesting special exception relief, under subsection 205 to allow a Child Development Center in a private home, which is in the R-2 zone district.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Section 205 permits child development centers in the residential zones subject to the following standards:

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

The proposed extension will meet the standards established by the Department of Health, (DHS) Licensing Regulation Administration and Human Services Division. The facility is being designed to comply with the BOCA Code.

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

The subject childcare center is in the Congress Heights community of Ward 8. Residents of Ward 8 are the most public transit dependent of all residents in the Washington Metropolitan Region. A majority of the children that will be at the center are brought by public transportation. The center is within easy access to two metro rail stations, the Congress Heights and the Anacostia stations. Additionally, the Dawn to Dusk Childcare Center provides a van to pick-up and drop-off some of the children in the immediate neighborhood. Therefore, the likelihood that the pick-up and drop-off of children at the center will create objectionable traffic conditions or unsafe conditions are minimal.

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

The applicant has advised OP that there will be 3 on-site parking spaces for staff and visitors, which will satisfy the zoning requirements (1 space for each 4 staff members). One of the on-site parking spaces will be handicapped accessible. There are also parking spaces on public streets in the vicinity of the center.

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

During the more than 25 year history that the Dawn to Dusk Childcare Center has been at 657 LeBaum Street, S.E., directly across a public alley from the proposed new extension, there have not been objections from neighboring property owner, regarding noise or other negative impacts

typically associated with the child care center. There is overwhelming support in the community for the center, as is demonstrated in a letter of support from ANC 8C and conversations with community residents.

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 shall deem necessary to protect adjacent and nearby properties.

The subject property is separated from the existing Dawn to Dust Childcare Center by a 16-foot alley that extends from 7th Street on the north, southwesterly along the interior of Square 5951, to Malcolm X Avenue on the south. There are single-family detached dwellings east of the subject site, on the east side of the 100-foot wide 7th Street. There is an approximately 25 foot vacant area between the proposed childcare extension facility and the nearest residential structure on 7th Street to the south. These public space areas tend to provide sufficient buffers to protect nearby properties.

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

The outdoor play areas for children attending the childcare center will be to the front and to the rear of the facility. There will be a fence surrounding the entire property. The fence should provide adequate areas protected from vehicular traffic and should reduce the chance of endangerment to the individuals attending the center.

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 effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

The proposed new extension to the Dawn to Dusk Childcare Center is within 1,000 feet of an existing childcare center and will be in the same ownership and function as a component of the existing center. The new extension is being constructed to help meet the growing demand for childcare services in the Old Congress Heights community.

It is the position of OP that the cumulative effects of these two facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this title, where, 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 Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Dawn to Dusk childcare center has existed at 657 LeBaum Street, S.E. for over 25 years. During this long period, there have been no objections from other neighboring property owners or other community residents as a result of the operation of the center. The new extension is anticipated to continue the positive relationships already established in the community. If the Board were to grant the requested special exception, it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

COMMENT COMMENTS

The proposed extension to the existing Dawn to Dust Childcare Center was presented to Advisory Neighborhood Commission (ANC) 8C at a public ANC Meeting, held on November 7, 2001. Notice of the meeting was distributed throughout the commission and was advertised in the Washington Informer Newspaper, a local newspaper located within the boundaries of ANC 8C. There were five of the seven commissioners present at the meeting. All five of the commissioners voted to support the project.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Abigail Y. Parker, requesting a special exception to permit a child development center for up to 40 infant/toddlers, 6 months to 3 years, 25 before and aftercare children between 4 and 12 years of age, and 12 staff members, on the first floor and basement of a private home, the Office of Planning recommends that the Board **approve the application**. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 205 and concluded the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.