GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Stephen Cochran, AICP

THROUGH: JLS for Andrew Altman, Director
Ellen McCarthy, Deputy Director, Development Review Division
Jennifer Steingasser, AICP, Assoc. Director, Development Review Division

DATE: January 15, 2002

SUBJECT: - BZA Application #16817, 1470 Irving Street, N.W.
-Capital City Charter School (now Barbara Chalmers Center, Inc.) for Expansion of Hours and Clients Served for Existing Child Development Center.
- Special Exception Under 11 DCMR, Section 205.
- Square 2672, Lot 723 (Tax Lot 881).

APPLICATION

The applicant[1] requests special exception relief under 11 DCMR Section 205 to expand the hours of operation for, number of children served by, and number of people employed at, an existing child development center at 1470 Irving Street, N.W.

The center is currently open from 7:00 a.m. to 6:00 p.m.; the application requests a 10:00 p.m. closing. The center currently serves 80 children from age 2 to 14; the application requests that up to 150 children from infant-age to 14 be served. The center currently employs 17 people; the application requests that up to 31 employees be permitted.

Until November 1, 2001, the center had been operating under the terms of a BZA order dated November 1, 1996, pursuant to BZA Application Number 16161. This order had been valid for

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[1] The name of the applicant has changed since the application was filed. Barbara Chalmers Center, Inc. is a 501(c)(3) corporation. It operates the child development center under its own name at 1470 Irving Street, N.W. The Capital City Public Charter School, Inc had operated this same day care center under the auspices of the National Capital Presbytery. On January 4, 2002, the Barbara Chalmers Center, Inc. purchased the building. The Center remains physically joined with the Capital City Public Charter School, which is located in a former church at the southeast corner of 15th and Irving Streets, N.W. *(See Figures 1-3).* However, although the Center and the School are one building on the same lot of record, the Center's portion of the property now has a separate tax lot from the School.

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five years, and had allowed the expansion of the child development center, from serving 60 children with 13 staff, to serving 80 children with 17 staff.

SUMMARY RECOMMENDATION
The Office of Planning (OP) recommends approval of the application with conditions.

PROJECT DESCRIPTION
The Chalmers Center currently operates out of the basement and first floor of the building. There is a clinic on the 2nd and 3rd floors. The clinic's lease expires in June 2002.

Under the proposed plans, the child development center would occupy the entire building. The basement, first floor and a portion of the second floor would be the actual child development center. The remainder of the second floor would be used for adult education. Administration would occupy the 3rd floor.

The applicant wishes to:

1. Increase the number of children served from 80 to **150**;
2. Change the age of the children served from 2 years to 14 years, to **infant** to 14 years;
3. Increase the number of staff from 17 to **31**.
4. Extend the closing time from 6:00 p.m. to **10:00 p.m.**

The applicant would continue to provide a before-and-after school program in addition to regular day dare. It would also institute a limited adult education program. The existing large, fenced outdoor play area would continue to be provided to the south of the building, and flexible indoor recreation space would remain for inclement weather. The children would continue to be supervised at all times. Trash generated by the center would continue to be stored on the property and collected three times a week.

SITE AND AREA DESCRIPTION *(See Appendix 1 and Appendix 2, Figures1-10)*
The site is located on the south side of Irving Street, one property to the east of the southeastern corner of 15th and Irving Streets, N.W. *(See Figures 1 and 2).* The lot is approximately 21,000 square feet. It is improved with an approximately 15,000 square foot three-story plus basement educational building. In the rear there is an approximately 6,000 square foot area, 1/3 of which is paved for parking, and 2/3 of which is used for recreation. *(See Figures 4 – 6).*

The building's principal entrance is on Irving Street. There is a secondary entrance from the parking lot and recreation area that is entered from an alley that abuts the building on the east. A six-foot high brick wall separates the alley and the parking area, with one gated entrance to the parking area. The alley is 15 feet wide, L-shaped, and can be entered and exited from both the mid-block of Irving Street, and the mid-block of Columbia Road, which is to the south.

Irving Street is one-way eastbound; 14th Street is two ways. The Square is also bordered by Columbia Road on the south and 15th Street on the west. Columbia Road is one-way westbound; 15th Street is one-way northbound. The street circulation pattern for the Square is essentially a one-way, clock-wise pattern, supplemented by a two-way alley between Irving and 14th Streets.

The site is in the Columbia Heights neighborhood, ½ block east of the Columbia Heights Metro stop at 14th and Irving Streets. The Square on which the site is located contains a mix of mid-rise residential buildings, institutional facilities providing religious, social and medical services, as well as retail and office uses along 14th Street. The Columbia Heights Metro stop is located at 14th and Irving Streets. Lincoln Junior High School is located directly across Irving Street from the site.

COMPREHENSIVE PLAN *(See Appendix 3)*
The Comprehensive Plan Generalized Land Use Map designates the area as being suitable for moderate density residential use. The location of a child development center within this land use designation is not inconsistent with the Comprehensive Plan.

EXISTING ZONING AND RELIEF REQUESTED *(See Appendix 1)*
The site is located in an R-5-B zone district. This zone permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartment buildings to a maximum lot occupancy of 60 %, a maximum floor area ratio (FAR) of 1.8, and a maximum height of 60 feet. A child development center is permitted in an R-5-B zone if approved by the Board of Zoning Adjustment (the Board), in accordance with the conditions specified in Section 3108 of 11 DCMR, subject to the provisions of Section 205. Other nearby zoning includes C-3-A, to the east along 14th Street, and R-5-D, to the west along 16th Street.

The applicant is requesting a special exception under Section 205 to enlarge an existing child development center, expand its hours of operation, and increase the number of employees. A copy of Section 205 is attached. *(See Appendix 4).*

Special Exception Relief
The special exception requested must comply with the applicable provisions of 11 DCMR Section 205. The application's compliance or noncompliance with the provisions is discussed below, preceded by the subsection number.

205 CHILD DEVELOPMENT CENTERS

205.1 Board Authority to Permit Child Development Center
Section 3104 permits the Board to approve a child development center in any residential zone, subject to the provisions of Section 205.

205.2 Code and Licensing Requirements

It is OP's understanding that the existing center has been in compliance with all applicable code and licensing requirements of the District of Columbia. Continued compliance would become an implicit condition of any Board approval of this application.

205.3 Objectionable Traffic and/or Safety Conditions

The principal pedestrian entrance should remain on Irving Street. The principal vehicular drop-off should be moved to inside the paved parking area south of the structure, off the wall abutting the alley on the east.

There will be considerable pedestrian access to the structure. The center is intended to serve a densely populated neighborhood. Many neighborhood children will continue to be walked to and from the facility by parents and guardians. Other pedestrians will arrive by the Metro, which is located ½ block to the east, on Irving Street.

However, with the center proposing to almost double the number of clients and employees, there will undoubtedly be an increase in vehicular traffic and drop-off. OP has discussed this situation with D-DOT, which is also reviewing this application. OP and D-DOT agree that the principal vehicular drop-off should be moved from Irving Street to inside the paved parking area behind the child development center building, and that the parking area, and the wall separating that area from the adjacent alley, should be reconfigured as follows:

A second opening should be made in the brick wall, and the required 8 parking spaces re-configured, in order to allow a one-way entrance/exit circulation system within the parking area. Vehicles would approach the center from west-bound Irving Street, turn south into the alley, pull into the parking area and drop-off children or other passengers, and continue south through the parking area to the newly constructed exit, at which point the vehicle could turn left and go back to Irving Street, or turn right and go to Columbia Road. Alternatively, vehicles would approach from the alley entrance on Columbia Road, and use the same exit and entrance pattern within the drop-off and parking area as noted above. (See Figures 8-10).

The safety of the children, employees and other users remaining of paramount concern:

The center should install additional perimeter and alley lighting (the spread of which should be shielded from the apartment building immediately to the east; shall install a security camera to monitor the drop-off and parking area and rear door; shall install a gate for the second opening to be constructed in the existing brick wall; and shall ensure that both gates remain closed during non pick-up and drop-off hours shall).

205.4 Provision of Off-Street Parking

11 DCMR Section 2101 requires the provision of 1 parking space for each 4 teachers and other staff. Therefore, 8 parking spaces would be required if the application were approved. The center currently provides 17 parking spaces in the on-site parking area south of the building. With the drop-off circulation changes recommended by OP and D-DOT, 3 to 4 of these spaces might be lost. Even with 13 spaces, however, the center would still provide over 150% of the required number of spaces.

Currently, additional parking is made available to the center after 3:30 p.m. at Lincoln Junior High School, directly across Irving Street. Seven other spaces accessed from 15th Street are made available to the center on a temporary, as-needed basis by the Capital City Public Charter School, which abuts the center and its rear yard. This supplemental parking can help to address ANC 1A concern that there be sufficient off-street perking for employees, either on site or by arrangement. The applicant will also be exploring securing additional parking for employees, and will be prepared to report on this at the hearing.

205.5 Area Impacts

The center would continue to be located within its existing building. The current outdoor and indoor play space would continue to be provided. Any additional noise or adverse visual impacts associated with the center would be minimal. OP has checked with the center's single member district ANC representative. She is unaware of any complaints about the center's operation over the last five years, and is also planning to support the current application.

OP is not aware of any adverse impacts stemming from the existing child development center use of the site, other than minimal rush-hour traffic impacts due to drop-off use of the Irving Street entrance. These impacts would be eliminated with the circulation and drop-off changes proposed above by OP and D-DOT.

205.6 Design, screening and other physical mitigation

The Board may require physical or other mitigation to protect adjacent and nearby properties. The final section of this report summarizes the conditions OP recommends to the Board to ensure mitigation of the minor impacts of the expanded center.

205.7 Off-Site Play Areas

With over 3,000 square feet of outdoor recreation space, and designated indoor recreational space for inclement weather, the applicant has indicated there will be no need for off-site play areas for use by the center.

205.8 Proximity to Other Child Development Centers

There are many other social service providers within 1,000 feet of the center. These include two child development centers:

- The Calvary Bi-Lingual Mulitcultural Learning Center at 1420 Columbia Road is serving approximately 250 children, and is licensed to serve up to 400 children. This center is located on the south side of Columbia Road, approximately 750 feet from the Barbara Chalmers Center. It was established in 1989.
- There is also a day child development center at the Bell Multicultural Senior High School, which is located on the north side of Irving Street, approximately ½ block from the Barbara Chalmers Center.

These other centers have co-existed with the Barbara Chalmers Center for many years. OP is aware of no neighborhood concerns about having these centers located close to each other.

205.9 Board of Zoning Adjustment Referrals

The Board has referred this application to the following District government agencies for review and comment:

- Department of Public Works, Division of Transportation (D-DOT)
- Department of Human Services (DHS)
- Office of Planning (OP).

As of January 8, 2002 there was no response on file from DHS. D-DOT was preparing a response. Its recommendations are noted above.

This report is OP's response to the referral.

205.10 Department of Consumer and Regulatory Affairs (DCRA) Referral

The Board referred the application to DCRA. As of January 8, 2002 there was no DCRA response in the record.

ANC AND COMMUNITY COMMENTS

The site is located within the boundaries of ANC 1A. The ANC's January 14, 2002 letter and resolution of support for the application has been filed with the Board. The resolution notes three areas of concern: sufficient on-site or by-arrangement employee parking; additional provisions for security during evening hours; additional lighting in the alley and the parking area; compliance with all applicable staffing and facilities regulations. OP's report has addressed the first three concerns, which can be dealt with through physical arrangements. The final concern is more appropriate within the jurisdiction of other District agencies. However, OP notes that the the ANC single member district representative for the site responded to an OP inquiry by saying she was aware of no problems with, or complaints about, the center and that she was prepared to support the application.

OP futher notes that when the applicant last requested a special exception in 1996, there was strong support from the ANC, the City Council representative, and other members of the community.

RECOMMENDATION

In the opinion of the Office of Planning, the applicant has met the burden of proof relative to the zoning relief that is being sought in this case under Section 205. The expanded child development center would comply with all applicable provisions promulgated in Section 205, and would continue to provide a much needed service to the community without generating significant adverse impacts, provided the conditions listed below are met. Accordingly OP recommends approval of this application subject to the following conditions.

1. Approval shall be for a period of five years.
2. The center shall operate from 7:00 a.m. to 10:00 p.m. All clients and visitors shall be off the premises and out of the on-site parking lot by 10:30 p.m.
3. The number of children attending the center shall not exceed 150.
4. The number of employees shall not exceed 31.
5. All outdoor activities shall take place under staff supervision at all times.
6. All outdoor activities shall cease by 8:00 p.m.
7. Staff shall closely monitor the children's arrivals and departures.
8. The grounds of the facility shall be maintained in a neat and orderly condition at all times
9. Trash and refuse generated by the center shall be stored on-site and shall be collected at least 3 times a week.
10. A second opening shall be made in the brick wall, and the required parking spaces re-configured, in order to allow a one-way entrance/exit circulation system within the parking area. Vehicles shall approach the center from west-bound Irving Street, turn south into the alley, pull into the parking area and drop-off children or other passengers, and continue south through the parking area to the newly constructed exit, at which point the vehicle could turn left and go back to Irving Street, or turn right and go to Columbia Road. Alternatively, vehicles shall approach from the alley entrance on Columbia Road, and use the same exit and entrance pattern within the drop-off and parking area as noted above.
11. A drawing detailing the reworked parking, drop-off and circulation plans shall be submitted to the Board prior to final approval of the application. These plans shall first be submitted to D-DOT for its approval.
12. The center shall:
    - install additional perimeter and alley lighting (the spread of which shall be shielded from the apartment building immediately to the east;

- install a security camera to monitor the drop-off and parking area and rear door;
- install a gate for the second opening to be constructed in the existing brick wall, and;
- ensure that both gates remain closed during hours when children are not being dropped-off or picked-up.

These conditions have been discussed with the applicant's legal counsel and agreed to, subject to approval by the applicant. Several of the conditions were initially offered by the applicant. However, during the time this report was being completed, the applicant's attorney was not able to have the final conditions reviewed by the applicant, due to a death in the applicant's family.

AA/slc_{aicp}

Attachments

205 CHILD/ELDERLY DEVELOPMENT CENTERS (R-1)

205.1 Use as a child/elderly development center shall be permitted in an R-1 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of chapter 31 of this title, subject to the provisions of this section.

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

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

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

205.5 The center, 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 or activity, or visual or other objectionable conditions.

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.

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

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

205.9 Before taking final action on an application for use as a child development center and/or elderly day care center, the Board shall submit the application to the D.C. Departments of Public Works and Health, the D.C. Office on Aging and the D.C. Office of Planning, for review and written reports.

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



Feature Key

- Zoning Boundaries
- Square Index
- Ortho Index 1999

BZA App.# 16817, 1470 Irving St., N.W.
Barbara Chalmers Child Dev. Center
(Capital City Public Charter School)

DC Office of Planning
January 15, 2002

Scale 1:2069

25 0 25 50 75 100 125 150 Feet

Appendix #1



Figure 1: 1470 Irving Street, from north side of Irving Street. Child Development Center in middle buildings. Alley accessing parking area is on left. Capital City Charter Public School is on Right.



Figure 2: Capital City Charter Public School, from west side of 15th Street. School is located in former church at southeast corner of 15th Street and Irving Street.



Figure 3: Passageway connecting Barbara Chalmers Child Development Center (on left) and Capital City Charter School (on right). Child Development Center's tax lot boundary is at edge of wall on left, perpendicular to the passageway.



Figure 4: Rear of site. Center is in 3-sotry brick building. Note wall separating child development center's parking area from alley.



Figure 5: Child development center's recreation area, parking lot, and wall separating rear of lot from alley. Facing west, towards apartments across alley..



Figure 6: Child development center's recreation area, facing west. Capital City Charter School is building with arched windows to left of child development center.



Figure 7: Alley facing north towards Irving Street. Child development center is on left. Its parking area is behind brick wall.



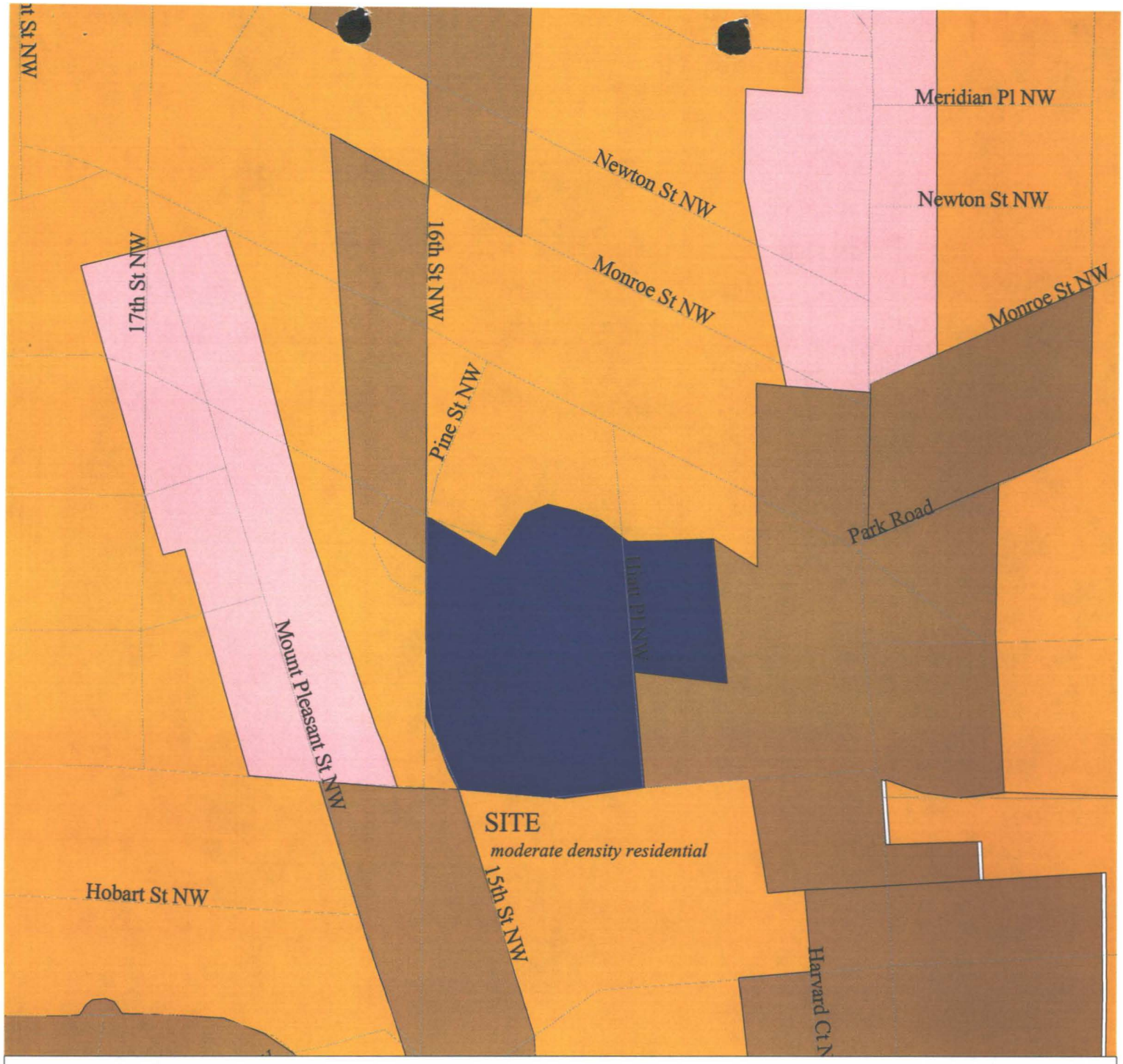
Figure 8: Alley from Irving Street, facing south. Child development center parking lot and access from alley are on right.



Figure 9: Alley in center of Square 2672, facing east towards 14th and, just left of alley, the rear of the Upper Shaw Community Health Center. Buildings on right front on Columbia Road.



Figure 10: Alley, facing southern access point at Columbia Road.



Street Centerlines

Generalized Land Use

- CHD
- CLD
- CMED
- CMHD
- CMOD
- FED
- INST
- LPUB
- PROS
- PROTECH
- RHD
- RLD
- RMED
- RMOD
- WATER

Appendix 3:
Generalized Land Use Map