GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

DATE: June 25, 2002

SUBJECT: BZA Application No. 16889
National Children's Center, Inc. 3400 Martin Luther King, Jr. Avenue, S.E.
Square 5978, Lot 5

I. APPLICATION SUMMARY

The applicant seeks a special exception to continue use of, and expand enrollment at, a private school for the developmentally disabled, located in an R-4 zone. The requested zoning relief would allow expansion of the number of students from 150 to 250, and an increase in staff from 80 to 110. The relief is requested under the criteria established by 11DCMR Section 206 and pursuant to the special exception provisions of Section 3104 of the Zoning Regulations. The applicant had originally requested a special exception for an increase to 225 students and 100 staff, and amended the application on May 2, 2002 to include 250 students and 110 staff.

II. OFFICE OF PLANNING SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval subject to the following conditions:

A. The special exception be approved at the originally filed (April 9, 2002) levels of 225 students and 100 staff, subject to:
   i. Traffic, circulation and relevant signage review by the District Division of Transportation (D-DOT);
   ii. Normal licensing review by the District Department of Health (DOH)of the proposed increase in the number of students in relation to the space, and/or

B. The special exception be approved at the amended level (May 3, 2002) of 250 students and 110 staff subject to:
   i. Traffic, circulation and relevant signage review by D-DOT
   ii. Normal licensing review by the DOH of the higher level increase in the number of students in relation to the space;
   iii. The issuance of an appropriate certificate of occupancy for the use of currently unimproved basement space.

BZA
Case No. 16889
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16889
EXHIBIT NO.26

III. SITE AND AREA DESCRIPTION *(See Attachments 1 and 2)*

Square 5978 in southeast Washington is bounded by:

- North: Fourth Street
- East: Savannah Street
- South: Savannah Street
- West: Martin Luther King, Jr. Avenue (MLK)

The Square is oblong and has no public alley access. Lot 5 is at the southern end of the Square, where Savannah Street and MLK meet. It comprises 167,314.9 square feet, or 3.8 acres. Its principal access is from MLK, but there are additional entrances from Savannah Street.

Within the same Square, the Center is bordered on the north by Wilburn Mews. This is a complex of townhouses and apartments that has a network of internal private access roads. Across from the Square, on the east side of Savannah Street the back of Ballou Senior High School faces the Center's parking lot and rear entrances. There is also a large vacant lot north of Ballou. On the west side of MLK, across from the Center's front entrance, there are early to mid-20th century rowhouses, one of which has been converted to a grocery, as well as Our Lady of Victory Catholic Church and school, and a walk-up apartment building. The Congress Heights Wellness Center is across Savannah Street from the southern end of the Center.

The National Children's Center is one of the newer developments in the Congress Heights neighborhood. It is an attractive, well-maintained building completed eight years ago. The building has long frontages on both MLK and Savannah Street. It is one story tall and has an unimproved basement for much of its length. The principal story has many clerestory windows, double height spaces and assembly rooms. These give the building a taller profile than most one-story structures. The building is set back from the street behind a well-maintained lawn, landscaping and -- to the east and north -- parking lots.

The principal access for younger children is via a one-way northbound private road parallel to and accessed from MLK. Staff accesses the site from the parking area entered from Savannah Street.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned R-4. All of the nearby area is zoned residentially. R-4 zoning continues immediately to the south. The school and vacant property across Savannah Street are zoned, respectively, R-5-A and R-5-B. The remainder of the nearby land, including everything west of MLK and east or Savannah and 4th Streets is zoned R-2. The nearest commercial zoning is along MLK at its intersection with Alabama Avenue.

There are no nearby historic districts or designated structures

V. PROJECT DESCRIPTION

The applicant is a non-profit organization that teaches and trains mentally and/or physically challenged children and adults in basic education and daily living skills. The school was permitted to locate on this site, in this zone, by BZA Order No. 15182 dated July 11, 1990 and by BZA Order No. 15715.August 7, 1992. The Center now serves 150 people with a staff of 80[1], but in less of the building than it had originally.. For the last few years a portion of the Center has been leased to Covenant House, another non-profit facility, serving 40 adolescents with a staff of 15. The organizations at the overall National Children's Center Building thus serve 190 people at present, with a total staff of 95.

The impending departure of Covenant House in November 2002 will allow the Center to expand back into the space it had originally occupied. The Center also plans to renovate the building's basement, subject to the availability of funding, as part of the proposed internal expansion. The proposed project would entail no outside construction.

With expansion into the space leased by Covenant House, the Center proposes to serve up to 225 people with a staff of 100. With renovation of the basement, the Center would propose to serve up to 250 people with a staff of 110. The latter figures, which are those for which permission is requested in this case represent:

- a 66% increase in the number of students served by the Center, and;
- a 37.5% increase in staff.

These percentages reflect the increase from the numbers permitted by BZA Order 15182. However, they overstate the real change in the level of activity.

The net increase, accounting for the current level of operation, which includes the space leased to Covenant House is closer to:

- a 31% increase in students, and;
- a 18.6% increase in staff.[2]

The Board may wish to consider whether the appropriate base from which to measure the proposed increase is 150 students and 80 staff, or 190 students and 95 staff. (*c.f. footnotes 1 and 2).*

The basement level has always been planned as future expansion space. Although the applicant is requesting relief predicated on its future expansion into the space, it does not anticipate expansion into this area in the immediate future. [3]

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[1] This is the maximum number of students faculty permitted for the National Children Center by the BZA in its order pertaining to Case No. 15182. The order did not refer one way or another to Covenant House, nor there being an additional 40 adolescents and 15 staff served in the space leased by Covenant House.

[2] Students: 150 currently @ Center; 40 currently @ Covenant House = 190. 250 represents proposed net increase of 60. Staff: 80 currently @ Center; 15 @ Covenant House = 95. 110 represents proposed net FTE increase of 15.

[3] BZA Order No. 15182, Findings of Fact No. 11.

The main hours of operation are from 8:30 a.m. until 4:30 p.m. However, 20% of the children are enrolled in before-school or after-school care on the site. These hours run from 7 a.m. until 6 p.m.[4]

There are 71 parking spaces.[5]

Based on conversations with the applicant, it appears that if the Center receives approval of its special exception request, it will plan to expand in two phases. Phase 1 would increase the child population from 150 to 200, which is 50 more than is currently permitted BZA Order 15182, but only 10 more than are actually on-site now, if the Covenant House lease is taken into account. Phase 2 would add another 50 clients. These would be between the ages of 8 and 21. The total would then be 100 more than currently permitted, and 60 more than are actually served now. Fundraising will constrain the projected start-date for the second phase

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan's Generalized Land Use Map designates the area as suitable for moderate density residential use. The Ward 8 element of the Comprehensive Plan does not speak to the need for providing additional services for developmentally disabled younger persons. However, Section 1903.6 (p), when discussing the then-proposed Center, refers only to the need to mitigate the visual impact of the Center on the surrounding residential community. The Center's design was changed before the issuance of BZA Order 15182.

VII. REQUESTED ZONING RELIEF AND PREVIOUS ZONING HISTORY

Pursuant to 11DCMR Section 3104 of 11 DCMR, the applicant is requesting a special exception to expand enrollment at a private school for the developmentally disabled, as is permitted in a residential zone district if so approved by the Board of Zoning Adjustment (BZA). The applicant originally received a special exception to construct the school in BZA Order 15182, dated July 11, 1990. Construction did not commence in a timely manner, and Order 15182 was reinstated by Order 15715, dated August 7, 1992.

The criteria for approval of the special exception are listed in Section 206 of the Zoning Regulations:

> Sec. 206.2: "*The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions*".
>
> Section 206.3: *The provision of ample parking, with Chapter 21 of the Zoning Regulations setting the minimum standards.*

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[4] Finding of Fact No. 14 of the NZA Order No. 15182 noted that the hours of operation would be from 8:30 until 4:30 Monday –Friday. Condition "f." of the Order specified that "the hours of operation shall not exceed the 8:30 a.m. to 4:30 p.m.".

[5] BZA Order 15182 noted that the applicant would be providing 64 parking spaces.

The following table summarizes various existing and BZA required conditions at the applicant's site:

	Permitted by BZA Order 15182	**Actual Existing**	**April 2002 Expansion Request**	**May 2002 Expansion Request**
Students/Clients	150	190	225	250
Staff	80	95	100	110 FTE (90 full; 20 part)
Parking	64, by Order 15182	71	71	71[6]
Curb Cuts	2 MLK; 1 Savannah	2 MLK; 2 Savannah (1 unused)	2 MLK, 2 Savannah (both used)	2 MLK; 2 Savannah (both used)
Operating Hours	8:30 a.m.– 4:30 p.m.	8:30– 4:45 for 80% of students;7:00 a.m. – 6:00 p.m. for 20% of students	8:30 a.m. – 7:00 p.m.	8:30 a.m. – 7:00 p.m.

In BZA case 15182 the Board determined the Center to be an acceptable use in the residential zone, based on its having 150 students and 80 staff, and meeting the restrictions on traffic circulation, parking, and hours of operation stipulated in Order No. 15182. This case was decided only after considerable input from ANC 8C and the transportation division of the Department of Public Works (DPW). The ANC had initially opposed the project, but voted to support it after changes were made to vehicular circulation patterns, based on the recommendations of DPW.
The special exception permission sought in the present case is for only the following:

- 100 additional students or pre-schoolers
  - (This is a 66% increase in the number of students served by the Center and permitted by the Board in Order No. 15182, and a 31% increase in the number of students actually occupying the building now).
- 30 additional staff (20 if counted by FTE's);
  - (This is a 37.5% increase in staff serving the Center and permitted by the Board in Order No. 15182, and a 18.6% increase in staff actually occupying the building now).
- A lengthening in operating hours from the 8:30 a.m.–4:30 p.m. permitted by Order No. 15182 to the Center's actual operating hours (for 20% of its students) of 7:00 a.m. to 6:00 p.m.
- Opening, and use of, one additional, existing curb cut.

[6] Parking Requirements (based on student and staff breakdown discussed with applicant)

Children 7 yrs or less	1space/ 4 staff	150 children/76 staff	19 spaces
Students 7 – 13 yrs	2 spaces/3 staff	50/24	16
Ages 14 – 21	2 spaces/3 staff + 1space/20 class seats	50/10	8 +3 = 11
TOTAL		250/100 FTE	46

Numbers shown in applicant's pre-hearing statement differ slightly, but not significantly.

VIII. DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TESTS?

A. Will the Special Exception Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps?

It will. Public schools are matter of right uses in residential zones. Private schools are considered to be uses that are compatible with residential neighborhoods, provided conditions are met with respect to minimizing possible negative impacts. This special exception seeks to expand enrollment and staffing without any increase in the gross floor area or lot coverage of the building. It does not require variances.

B. Will the Special Exception Not Tend to Affect Adversely the Use of Neighboring Property, in Accordance with the Zoning Regulations and Zoning Maps, and the Following Special Conditions?

i. *Sec. 206.2: "The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions."*

The Center has operated from this building for the last 8 years. It has even operated the overall building with a student and staff population slightly above that approved by BZA. Based on anecdotal information, and on the unanimous support expressed for the expansion by ANC 8C (which had initially opposed the project in 1990), it does not seem that the existing school has had any negative impact on traffic, parking, neighboring uses or the general population.

The building and the site are very well maintained. Recreation areas for the student population are oriented towards interior courtyards, thus minimizing any noise to the surrounding community. In terms of surroundings, the site is amenable to such a use. On three sides of the Center, there are other community-type facilities: Ballou Senior High School, the Congress Heights Senior Wellness Center, and Our Lady of Victory Church and elementary school. The closest residences are buffered from the Center by either an applicant-maintained landscaped buffer on the property's northern edge, or by Martin Luther King, Jr. Avenue.

OP's principal concern about the proposed expansion is its possible impact on 1) traffic and 2) circulation

Traffic. The Current transportation profile for the Center (not including the needs of Covenant House, which is leasing space) is:

- 90% of the students' transportation needs are handled by van or bus pick-up and drop-off. This uses 13 vehicles:
  - 7 vans owned by the Center
  - 3 private vans,
  - 3 small public school system

There is also a Metrobus stop in front of the school.

- 10% of the students are picked up and dropped of by approximately 20 private cars.

The applicant anticipates that with an enrollment level of 250 persons, a total of 20 vans and busses, and 25 private cars will pick up and drop-off at the Center. This disproportionately small increase in van and bus trips will be made possible by the consolidation of some of the existing routes and higher occupancy rates for the vehicles.

The application was being reviewed D-DOT as of June 19, 2002. OP's recommendation for approval is conditioned on, among other things, D-DOT's comments on the traffic impact of the requested/projected increase.

Circulation: When the Center first came before the Board in 1990, but ANC 8C and DPW had concerns about traffic patterns from vehicles entering the Center from M.L.King, Jr. Ave. Consequently, at the January 26, 1990 recommendation of DPW January 26, 1990, the Board required the elimination of a circular drop-off area and the substitution of a one-way northbound service road for the Center, parallel to MLK. This road continues to the visitor parking area at the northern end of the building, and around to the staff parking area at the back of the building, west of Savannah Street.

BZA Order No. 15182 also requires implementation of other DPW recommendations. These include the prohibition of left hand turns from southbound MLK into the "southernmost private driveway: and the installation of a "Do Not Enter" sign at the "entrance of the northernmost curb cut to prohibit vehicles from turning left from Martin Luther King, Jr. Avenue to access the site. There is no access to the east-west driveway from Martin Luther King, Jr. Avenue at this location". These signage requirements have been only partially implemented. The private driveway has been made one-way northbound, as required by DPW and Order No. 15182. However, left hand turns from MLK have not been prohibited. Neither OP nor the ANC has noted problems with the existing circulation patterns. OP does not understand how traffic southbound on MLK would enter the Center without making a U-turn, had the signage been put in place as required by Order No. 15182, Paragraph 23, Sections d. and c. Nevertheless, due to the wording of the Order, OP's recommendation for approval is conditioned on, among other things, D-DOT's re-examination of the signage requirements for left-hand turns from southbound Martin Luther King, Jr. Avenue.

ii. Section 206.3: *The school will provide ample parking, with Chapter 21 of the Zoning Regulations setting the minimum standards.* The Center already provides 7 spaces more than had been required by the earlier Zoning Order. These 71 spaces are approximately 25 more than would be required by the Zoning Regulations, even after the proposed expansion.

IX. COMMUNITY COMMENTS

At its duly called meeting on June 5, 2002 ANC 8C supported the application by a vote of 5-0. The file contained no comments for or against the project as of June 11, 2002.

X. OTHER AGENCY COMMENTS

There were no other agency comments as of June 18, 2002. DPW, now the Department of Transportation (D-DOT) had been extensively involved in the previous zoning cases affecting the property. As of June 19, 2002 the applicant was working with D-DOT to gather its input on:

- the impact of proposed increases in student and staff population;
- the additional van, bus and private vehicular traffic;
- the longer morning and evening hours for 20% of the students and their impact on rush hour traffic patterns;
- the advisability of D-DOT's 1990 requirement regarding signage prohibiting left turns into the site from southbound Martin Luther King, Jr. Avenue; and;
- the use of the northern curb cut on Savannah Street.

XI. OP RECOMMENDATION

OP recommends:

A. The Board approve the special exception request for increases in enrollment, staffing and hours of operation, and for use of the second curb cut on Savannah Street at the originally filed (April 9, 2002) levels of 225 students and 100 staff, subject to:

i. Traffic, circulation and signage review by D-DOT;
ii. Normal DOH licensing review of the increase in the number of students in relatioin to the square footage;

And/Or,

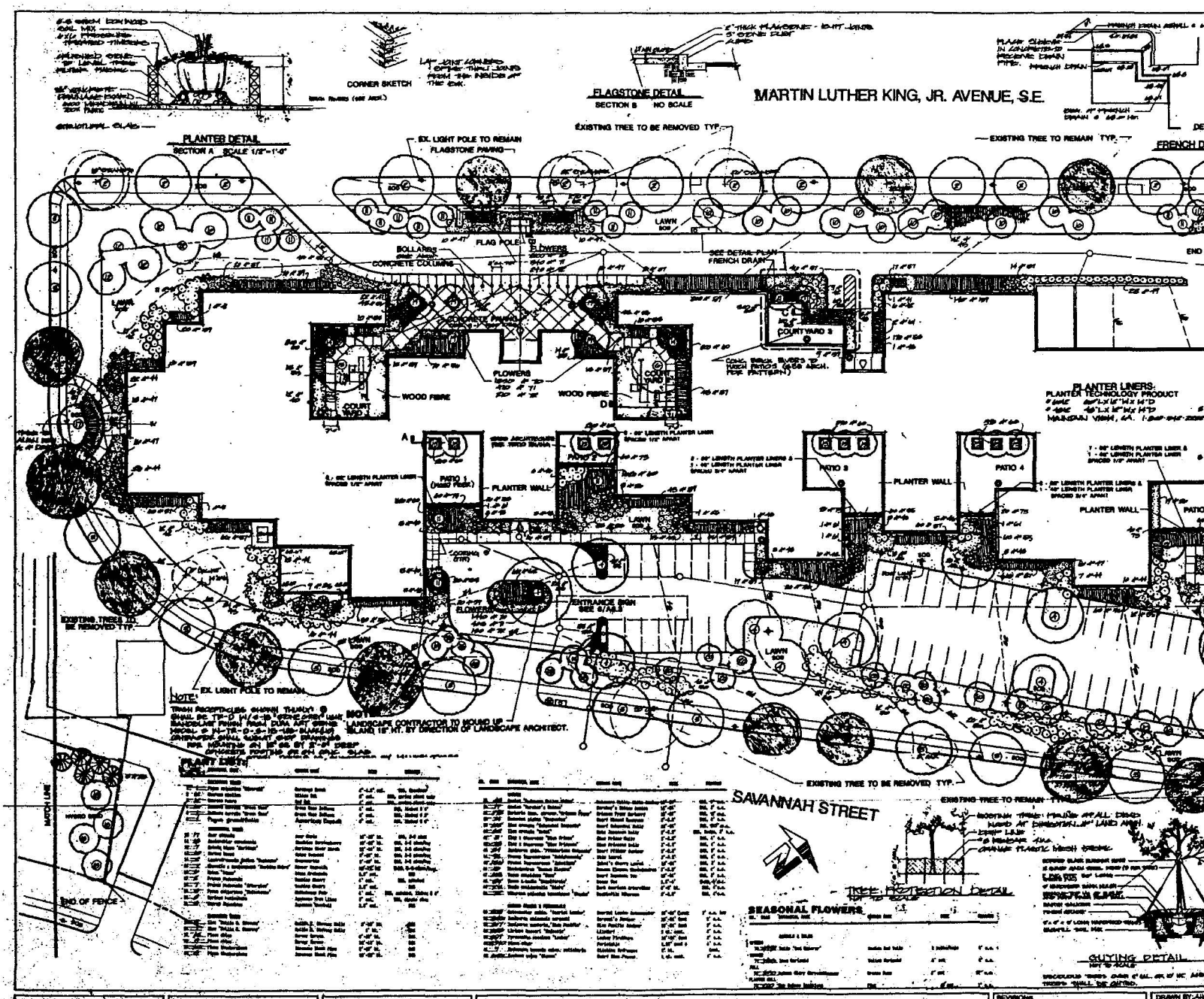
B. The Board approve the special exception request for increases in enrollment, staffing and hours of operation, and for use of the second curb cut on Savannah Street at the amended level (May 3, 2002) of 250 students and 110 staff subject to

i. Traffic, circulation and signage review by the District Division of Transportation, which may have incorporated review for this higher level into its review for the lower level noted above;
ii. Normal DOH licensing review of the higher level increase in the number of students, in relation to the square footage;;
iii. The issuance of an appropriate certificate of occupancy for the use of currently unimproved basement space.

AA/slc

Attachments

1) Location and Zoning Map
2) Site Map
3) Site Layout
4) Comprehensive Plan Generalized Land Use Map for Site Area
5) BZA Order No. 15715 and Order No. 15182.



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CLA 90016

REVISIONS			
NO.	DATE	DESCRIPTION	APP'D
	5.3.7		
	6.6.7	PLANT SCALE:	
	11.7		
	2.5.1	GENERAL COORDINATION	
	4.3.1	BOH LIGHT LOCATIONS	
	4.3.1	TRASH RECEPTACLES	

DRAWN BY: AU
SCALE: 1"=



Feature Key

- Zoning Boundaries
- Square Index

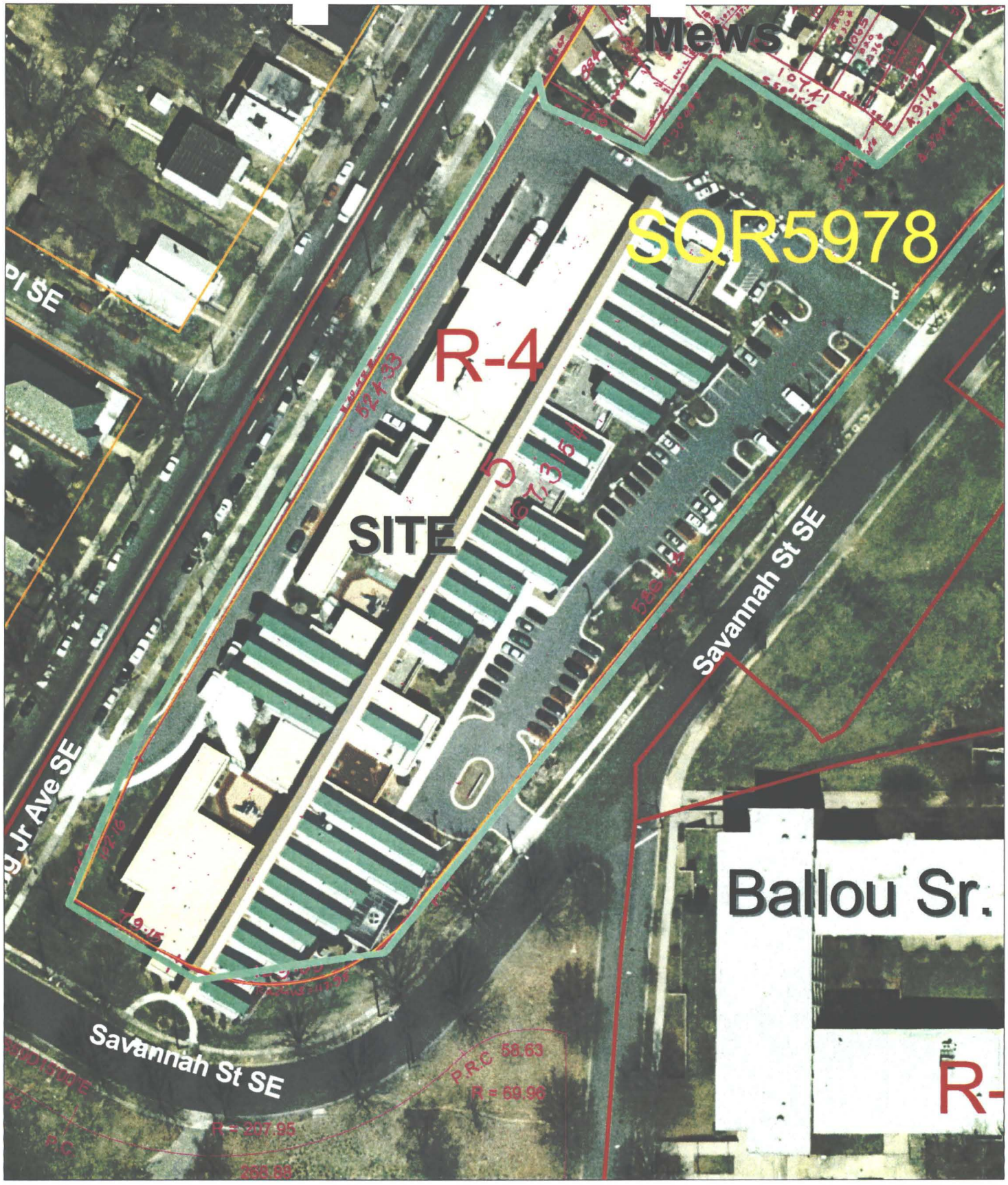
Board of Zoning Adjustment
Application No. 16889
National Children's Center

DC Office of Planning
June 18, 2002

Scale 1:3573

0 25 50 75 100 Feet

Attachment 1



Feature Key

Zoning Boundaries

Square Index

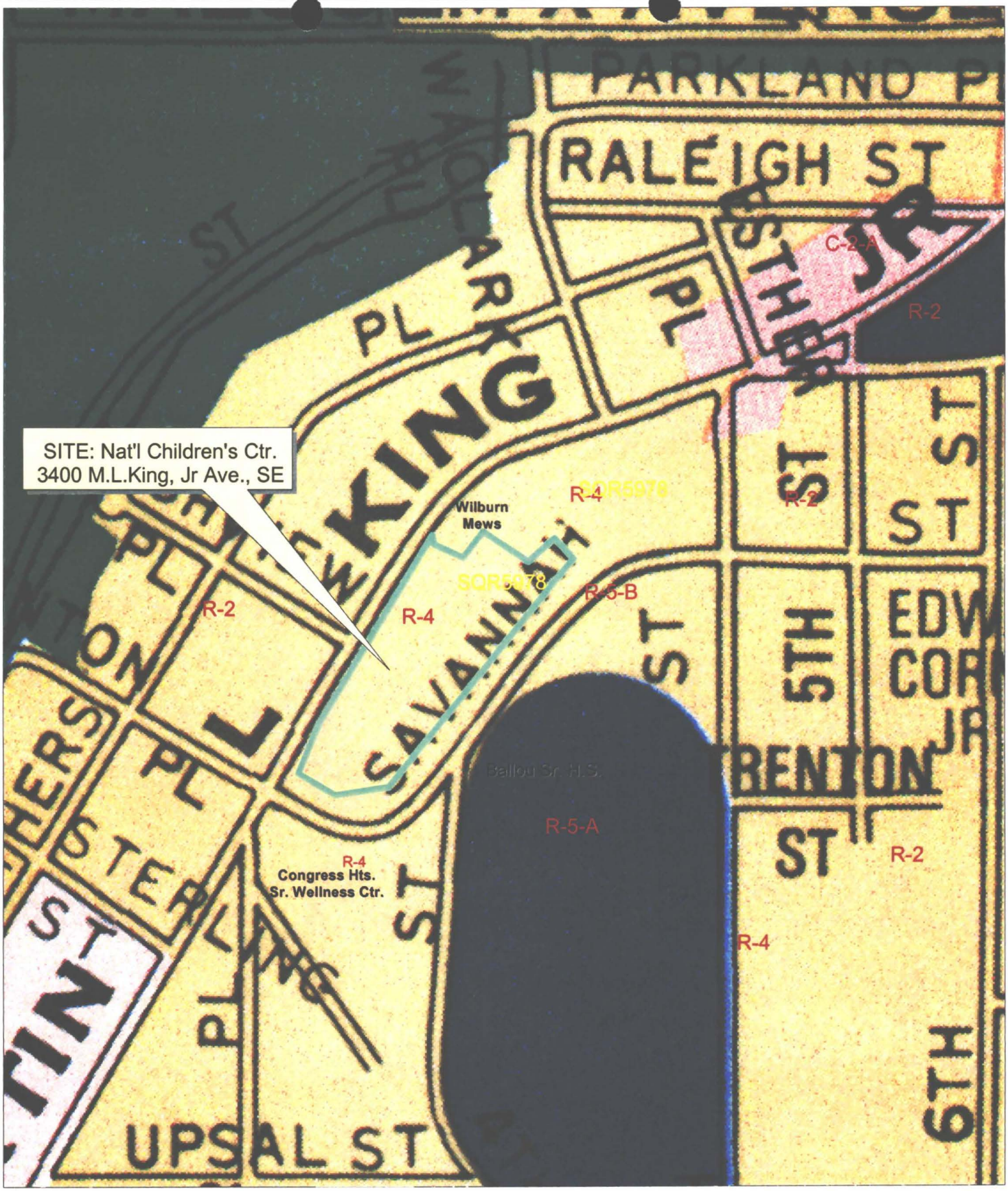
Board of Zoning Adjustment
Application No. 16889
National Children's Center Ste Map

DC Office of Planning
June 19, 2002

Scale 1:1023

25 0 25 50 Feet

Attachment 2



Generalized Land Use Key

Residential Low Density	Commercial Low Density	Federal
Residential Moderate Density	Commercial Moderate Density	Institutional
Residential Medium Density	Commercial Medium Density	Local Public
Residential High Density	Commercial Med.-high Density	Parks, Recreation and Open Space
Water	Commercial High Density	Production and Technical Employment

Comprehensive Plan Landuse
BZA Application No. 16889

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June 19, 2002

Scale 1:3573

N

0 150 Feet

Attachment 4