GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Stephen Cochran, Zoning and Special Projects Planner

DATE: June 28, 2002

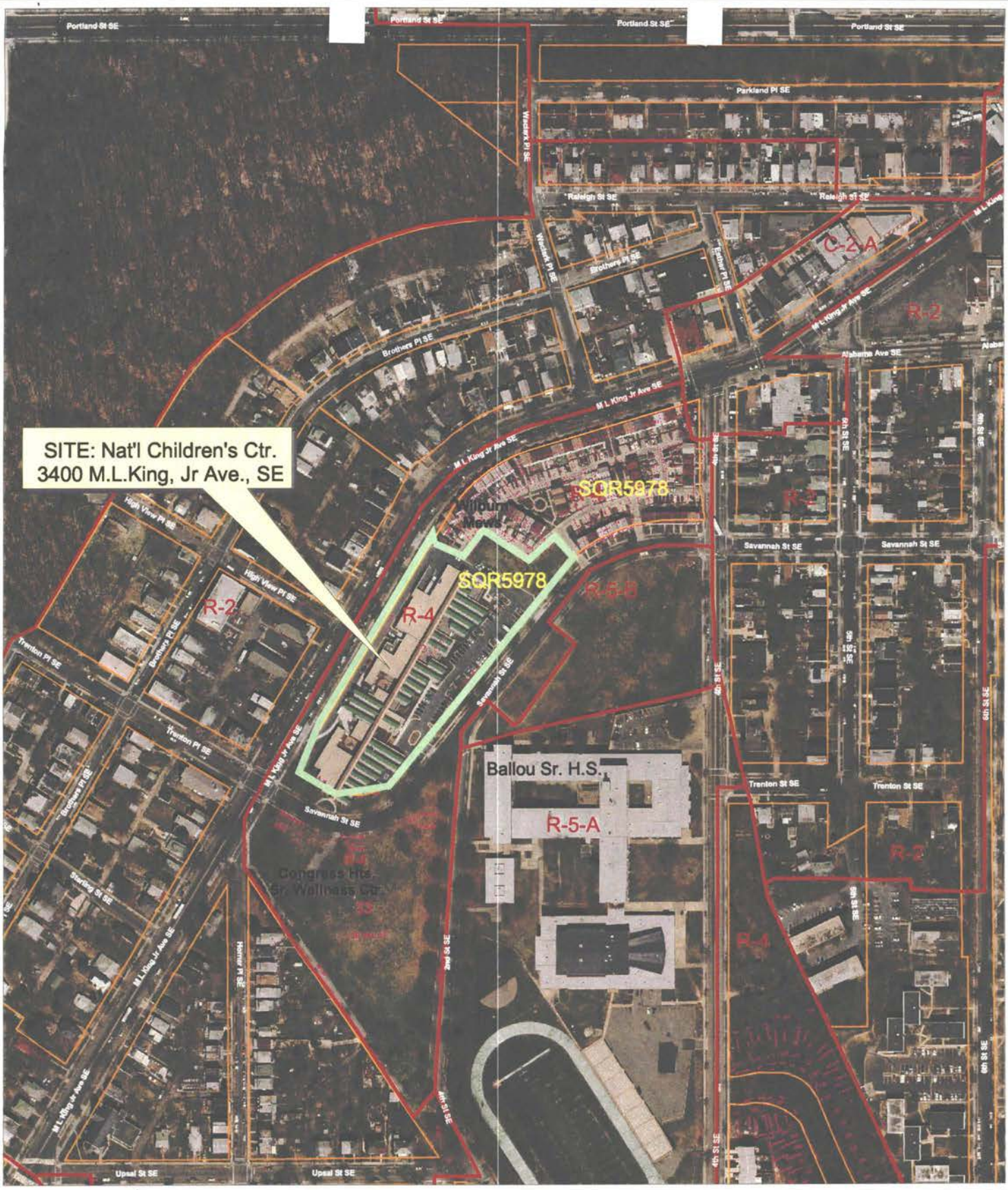
SUBJECT: BZA Application No. 16889
National Children's Center, Inc. 3400 Martin Luther King, Jr. Avenue, S.E.
Square 5978, Lot 5
Attachments to Office of Planning Report

The Office of Planning is transmitting the following attachments to our earlier report on this application. These attachments may not have been included in the copies distributed to the Board.

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.

BZA
Case No. 16889
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16889
EXHIBIT NO.28



Feature Key

- Zoning Boundaries
- Square Index

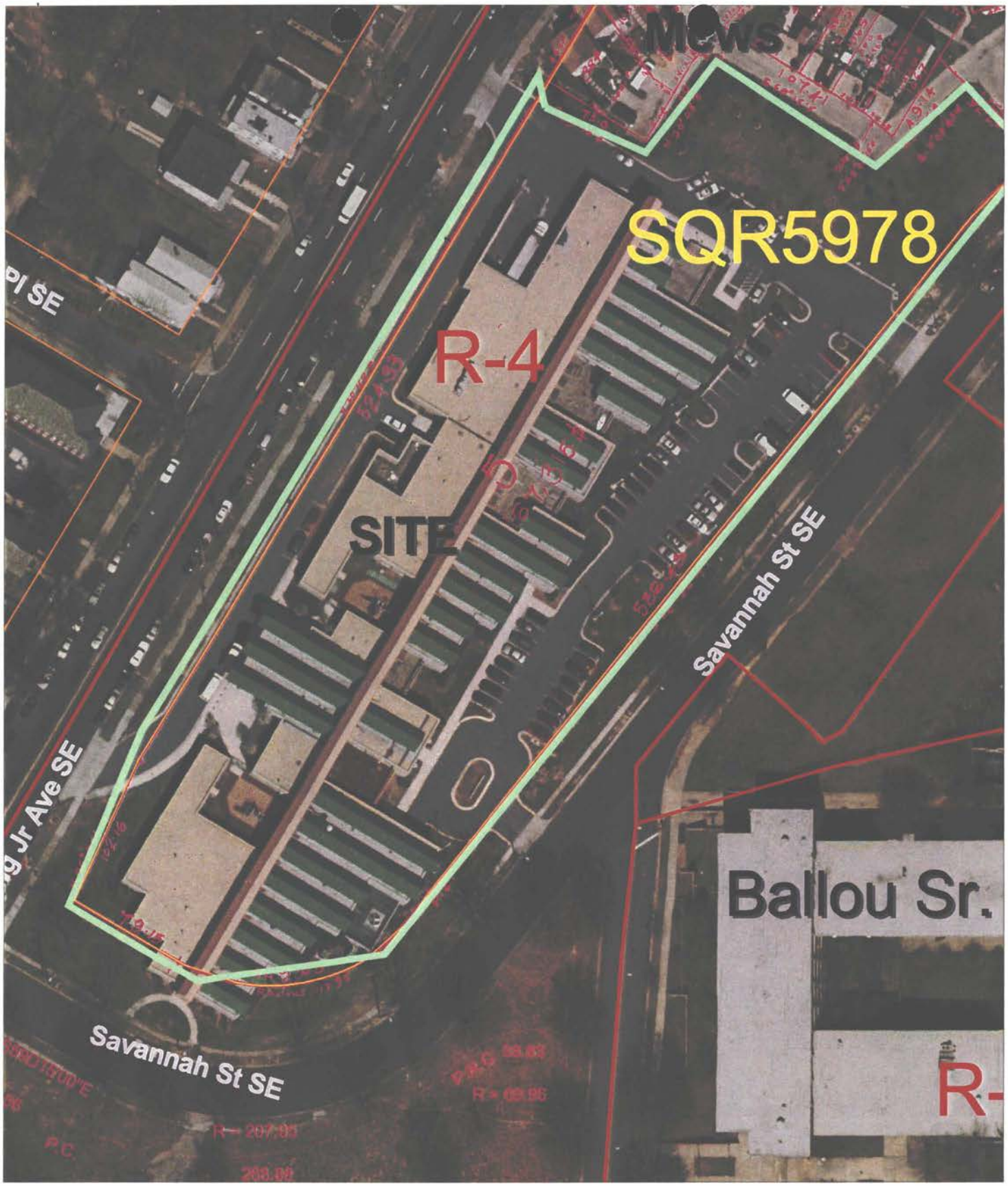
Board of Zoning Adjustment
Application No. 16889
National Children's Center

DC Office of Planning
June 18, 2002

Scale 1:3573

250 25 50 75 100 Feet

Attachment 1



Feature Key

Zoning Boundaries
Square Index

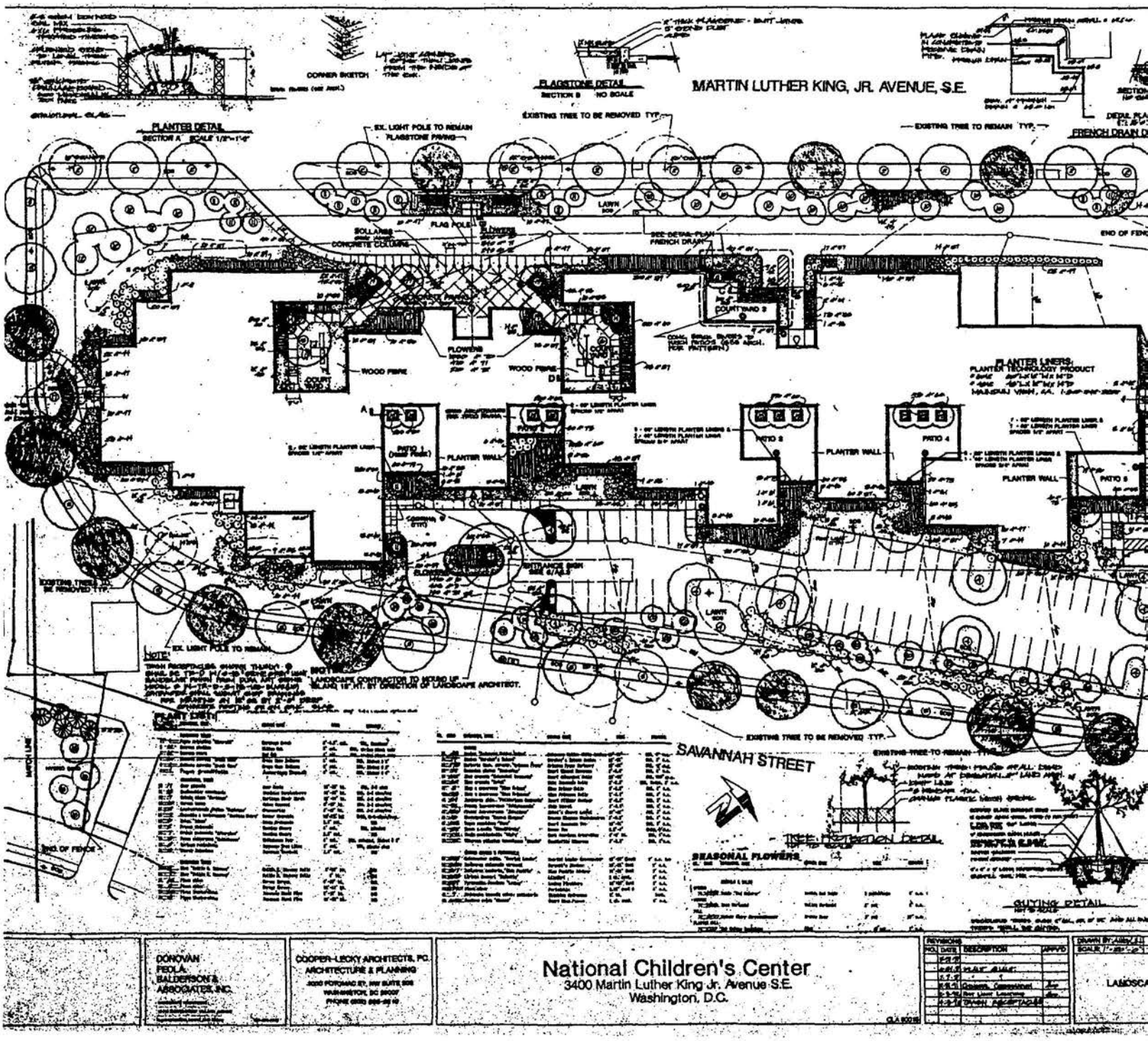
Board of Zoning Adjustment
Application No. 16889
National Children's Center Ste Map

DC Office of Planning
June 19, 2002

Scale 1:1023

25 0 25 50 Feet

Attachment 2



DONOVAN FEOLA BALDERSON & ASSOCIATES, INC.

COOPER-LECKY ARCHITECTS, PC.
ARCHITECTURE & PLANNING

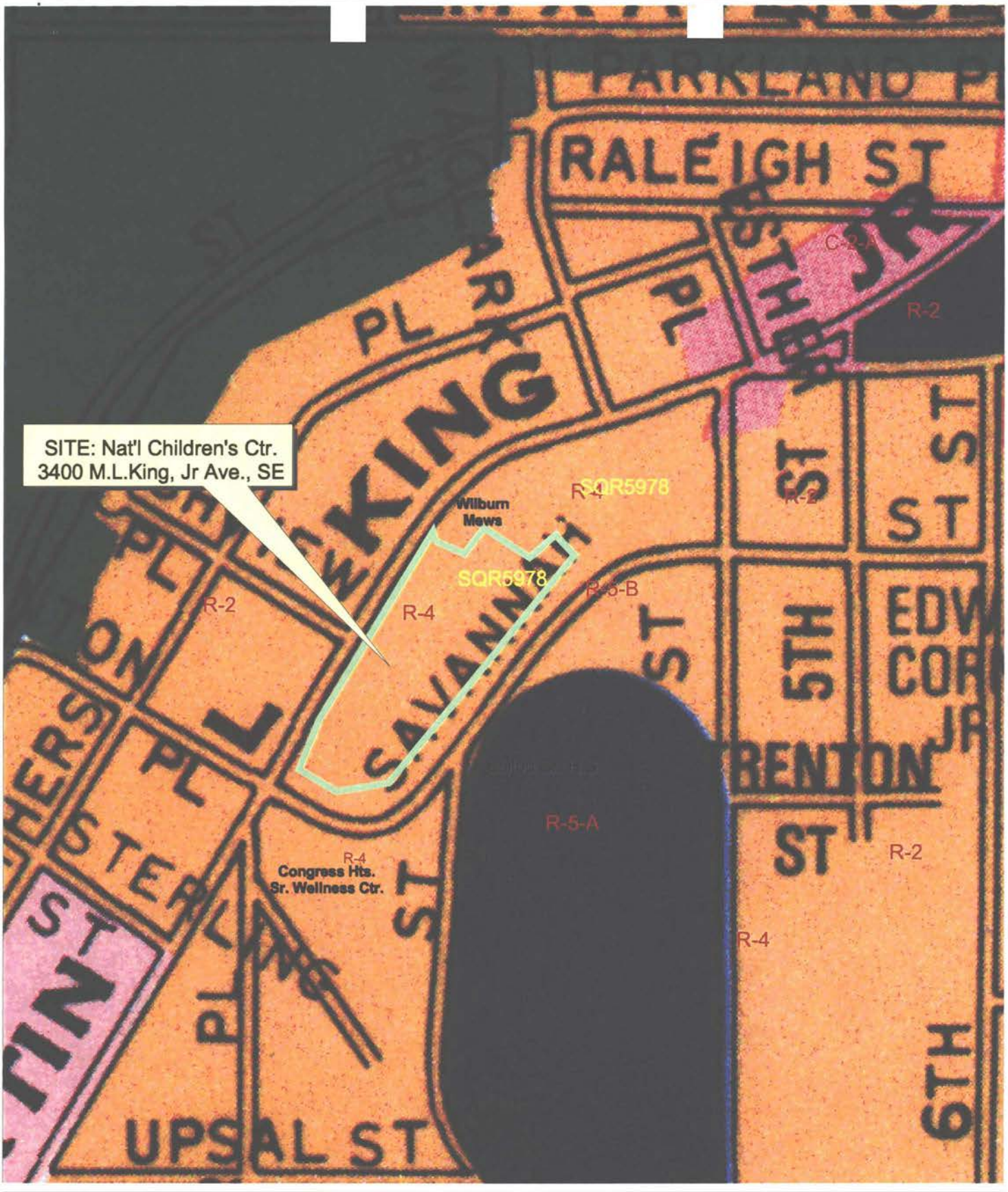
National Children's Center

3400 Martin Luther King Jr. Avenue S.E.
Washington, D.C.

REVISIONS			
NO.	DATE	DESCRIPTION	APPVD

DRAWN BY: AMD/LLD
SCALE: 1"=20'-0"

LANDSCA



Generalized Land Use Key

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

Comprehensive Plan Landuse
BZA Application No. 16889

DC Office of Planning
June 19, 2002

Scale 1:3573

N

0 150 Feet

Attachment 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15715 of the National Children's Center, Inc., pursuant to 11 DCMR 3108.1, to reinstate the Board's previous order in Application No. 15182 of the National Children's Center, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 207 to establish a private school for children, ages six months to adults as a day treatment facility for 150 persons with a staff of 80 in an R-4 District at premises 3400 Martin Luther King, Jr., Avenue, S.E. (Square 5978, Lot 4).

HEARING DATE: July 15, 1992
DECISION DATE: July 15, 1992 (Bench Decision)

REINSTATEMENT ORDER

The Board granted a special exception to establish a private school for children ages six months to adults, as a day treatment facility for 150 persons by its order, dated July 11, 1990, subject to six conditions. Because of the amount of time required to amend its plans in order to comply with all of the conditions of the Board's approval, the applicant failed to file for a certificate of occupancy within six months of the effective date of the order as required by 11 DCMR 3103.1. Accordingly, the Board's order expired on January 21, 1991.

The applicant is requesting that the Board reinstate its prior approval of the special exception. The applicant is not seeking any change in the relief granted. There have been no changes in the condition of the area or the circumstances surrounding the site. The only changes to the plans are necessitated in order to comply with the conditions imposed by the Board in its order dated July 11, 1990.

Advisory Neighborhood Commission (ANC) 8C, by letter dated July 6, 1992, offered no opposition to the reinstatement of the Board's previous order.

An ANC Single Member District Commissioner was present at the public hearing and expressed concerns relative to the revisions of the originally approved plans. The Board notes that if such revisions alter the relief previously approved by the Board, the applicant would be required to seek a modification of the approved plans to complete the project. Any request for modification of plans by the applicant would require service upon the ANC for its review and response.

The Board incorporates herein the findings of fact and conclusions of law set forth in its Order No. 15182 dated July 11, 1990, a copy of which is attached. It is hereby **ORDERED** that the application is **GRANTED** in accordance with the same terms and conditions as set forth in Order No. 15182.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens abstaining; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: AUG 7 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15715/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15715

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 7 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

H. Alan Young, Esquire
Young, Goodman & Van Beck
510 King Street, Suite 416
P.O. Box 1946
Alexandria, VA 22313

National Children's Center, Inc.
6200 2nd Street, N.W.
Wash, D.C. 20011

William Lockridge, Chairperson
Advisory Neighborhood Commission 8-C
3125 Martin Luther King Jr. Avenue, S.E.
Washington, D.C. 20032

MADELIENE H. ROBINSON
Acting Director

DATE: AUG 7 1992

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15182 of the National Children's Center, Inc., as amended, pursuant to 11 DCMR 3108.1 for a special exception under Section 207 to establish a private school for children ages six months to adults as a day treatment facility for 150 persons with a staff of 80 in an R-4 District at premises 3400 Martin Luther King, Jr. Avenue, S.E. (Square 5978, Lot 4).

HEARING DATES: December 20, 1989 and January 17, 1990
DECISION DATES: February 7, and March 7, 1990

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of December 20, 1989. On that date, a representative of the Office of Planning requested a postponement of the public hearing in order to allow the project to be subjected to large tract review procedures as provided by 10 DCMR, Chapter 23. In addition, staff informed the Board that there was some question as to whether the relief cited by the Zoning Administrator was appropriate given further information from the applicant describing the proposed use. The Board continued the application to its public hearing of January 17, 1990.

2. At the public hearing of January 17, 1990, the application was amended to request special exception relief to allow the establishment of a private school as set forth in the revised memorandum from the Zoning Administrator, dated January 16, 1990. The Board notes that a "private school" is exempt from the large tract review process provided by 10 DCMR, Chapter 23.

3. The property is bounded by Martin Luther King, Jr. Avenue on the west, Savannah Street on the south and east, and the Wilburn Mews residential development at Fourth Street to the north. The site is known as premises 3400 Martin Luther King, Jr. Avenue, S.E. It is zoned R-4.

4. The site is unimproved and is irregular in shape with 626.49 feet of frontage along Martin Luther King, Jr. Avenue, and 905.78 feet along Savannah Street. The total lot area of the site is 167,314.9 square feet.

5. The applicant is seeking special exception relief to establish a private school for multi-handicapped individuals from birth through adulthood.

6. The applicant is a nonprofit organzation which was founded in 1955 as the Jewish Foundation for Retarded Children, Inc. The name of the organization was changed to the National Children's Center, Inc. in 1964. The prupose of the organization is to teach and train mentally and/or physically impaired individuals in basic education and day-to-day living skills.

7. The applicant organization is currently located at 6200 - 2nd Street, N.W. The existing facility contains a residential facility, school, early intervention program, adult services transportation services and administrative offices. This facility will remain at its present location. The applicant also operates seven group homes, three of which are located in the District of Columbia, as well as four independent and two supervised apartments located in Maryland and one adult day treatment program located in Maryland.

8. The proposed facility has been designed to provide barrier-free access for handicapped individuals on one level. The facility will provide intensive day programs to meet basic education needs and to teach skills such as self-care, how to prepare simple meals, how to get around the neighborhood, how to use the public transportation system, etc.

9. The applicant has been searching for an appropriate site in the Southeast area of the City to establish the proposed facility to better service its existing clientele who live in the area; to eliminate or reduce the extensive travel time necessary to transport its clientele, some who are in very fragile physical condition, from the Southeast area to its existing facility in Northwest; to reduce the expense of providing such an extensive transportation program; to reduce staff time devoted to travelling from the Northwest facility to the subject area to visit client's homes; and to provide an easily accessible site to allow for more convenient interaction between staff, clients, and their families.

10. The proposed facility will augment the operations of the existing facility on 2nd Street by offering additional classroom space; space for expansion of the existing early intervention program; a convenient base for counselors serving clients in the Southeast area; and the ability to provide for pre-school services. The transportation services department and the residential component of the facility will continue to be housed at the 2nd Street site.

11. The proposed facility fronts on Martin Luther King, Jr. Avenue and consists of one-story plus basement. The main floor of the structure contains classroom space, administrative office space, health and social service office space, indoor exercise and activity space, cafeteria, kitchen and dining space. The basement level generally provides for some unplanned future expansion space and stairway access to the first floor for staff and visitors who enter the building from the parking area to the rear of the structure.

12. The applicant is providing sixty-four on-site parking spaces. Sixty-two on-site parking spaces are required by the Zoning Regulations. The parking area is located to the rear of the proposed building and is accessed from a driveway off of Savannah Street and a north-south service roadway on the western portion of the site. The parking lot will be available for neighborhood use, including nearby churches, during the hours the proposed facility is not in operation.

13. The proposed facility will serve a maximum of fifty clients in its early intervention program, forty clients in its pre-school program and sixty clients in its adult services program. There will be a total of eighty staff persons.

14. Drop-off and pick-up of clients will be between the hours of 8:45 and 9:15 A.M. and 2:45 and 3:15 P.M., Monday through Friday. Staff hours will be from 8:30 A.M. to 4:30 P.M., Monday through Friday.

15. Drop-off and pick-up of clients shall occur via the proposed semi-circular driveway accessed from Martin Luther King, Jr. Avenue. The applicant employs seven vans and three mini-school buses for client transportation. Early intervention and pre-school clients will be dropped off at the main entrance. The adult clients will be dropped off at the north end of the building which is closer to their section of the facility. Staff will access the site via the entrance from Savannah Street through the parking area. The applicant proposes to provide a service roadway west of the proposed semi-circular driveway which will run from Martin Luther King, Jr. Avenue through the site to Savannah Street.

16. The applicant proposes to provide green, landscaped space between the proposed service roadway and the adjacent Wilburn Mews residential development to provide pleasant buffering space between the facility and adjacent residences. In addition, the applicant will provide a six-foot high wood stockade fence along the west side of the service roadway to screen vehicular traffic from the adjoining residential properties.

17. By representative at the public hearing, the Office of Planning (OP) indicated its general support of the application provided the applicant revise its plans as recommended by the D.C. Department of Public Works. The OP was of the opinion that the proposed use and the overall design of the facility is compatible with the area. The Office of Planning representative requested that the Board leave the record in the application open in order to receive a supplemental report of the Department of Public Works (DPW) based on meetings between DPW and the applicant subsequent to the filing of the DPW report dated December 15, 1989. The Board left the record open to accept the supplemental report of the DPW.

18. By memorandum dated December 15, 1989, the Department of Public Works (DPW) recommended that the semi-circular driveway along Martin Luther King, Jr. Avenue be eliminated and that the lower level driveway accessed from Savannah Street be redesigned, in coordination with DPW, to accommodate all drop-off and pick-up activities. The DPW was of the opinion that the vehicles accessing the proposed drop-off and pick-up point at the front of the building could impede traffic along Martin Luther King, Jr. Avenue and create an unsafe condition for clients of the facility. The DPW further recommended that the applicant provide landscaping along the perimeter of the parking lot and to possibly install a fence along the property line adjacent to Wilburn Mews to reduce traffic noise and safety impacts on adjacent residential properties. As noted in Findings of Fact No. 17, the Board left the record open to receive a supplemental report from the DPW.

19. In response to the DPW report, the applicant argued that providing for drop-off and pick-up of clients from the lower level would be counterproductive to its efforts to provide a barrier-free environment to its clients. Because of the difference in grade between the front of the property and the parking area in the rear, drop-off and pick-up of clients from the rear would necessitate transporting clients up stairs to the main level. Many of the clients of the facility are physically impaired, thereby making such an arrangement difficult or impossible to accomplish. The applicant further argued that vehicles dropping off or picking up clients would not impede traffic on Martin Luther King, Jr. Avenue because the length of the driveway would allow for the queuing of several vehicles simultaneously out of the traffic flow of the Avenue.

20. Advisory Neighborhood Commission (ANC) 8C, by letter dated December 11, 1989 and by representatives at the public hearing, opposed the granting of the application. The bases for the ANC's opposition is generally summarized as follows:

a. The subject proposal, coupled with other projects planned for development within a one-mile radius of the site, would result in an excessive density for the area.

b. There will be an increase in traffic and disruption to the traffic flow along Martin Luther King Jr. Avenue.

c. The proposed driveway access points for the parking lot and the proposed service roadway will encourage traffic to use the site for shortcuts.

d. If all access points to the parking area remain open on a twenty-four hour basis, there will be a tendency for youth to congregate on the site during hours the facility is not in operation.

e. The architectural design of the facility should conform to the character of the community.

21. By letter dated January 10, 1990, Advisory Neighborhood Commission 8C requested a postponement of the public hearing on the application to afford the ANC an opportunity to review and act upon a proposed "memorandum of understanding" between the ANC and the applicant. The Board left the record open to receive the proposed "memorandum of understanding" and any responses thereto.

22. By memorandum dated January 26, 1990, the Department of Public Works (DPW) recommended that the circular driveway accessed from Martin Luther King Jr. Avenue be redesigned to minimize disruptions of local traffic by school generated traffic and to minimize the stacking of vehicles along Martin Luther King Jr. Avenue. The DPW recommended the following design changes:

a. Redesign the circular driveway into a private roadway which would begin at the southernmost curb cut, extending parallel to Martin Luther King, Jr. Avenue and terminating at the project's northernmost driveway. Vehicles would access the main drop-off area from the southernmost curb cut, drop-off and/or pick-up their passengers, continue along the service road to the northernmost curb cut and egress either on Martin Luther King, Jr. Avenue or turn right to access the adult drop-off area and/or proceed to the proposed on-site parking lot at the rear of the site.

b. The proposed private roadway, parallel to Martin Luther King, Jr. Avenue, will operate in an one-way northbound direction.

c. Eliminate the middle curb cut on Martin Luther King, Jr. Avenue.

d. Left turns from traffic traveling southbound on Martin Luther King, Jr. Avenue into the southernmost private driveway will be prohibited. The prohibition of this turning movement will minimize traffic conflicts from southbound vehicles traveling through on Martin Luther King, Jr. Avenue.

e. The developer is to install 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.

f. The applicant should eliminate the circular driveway design at the rear drop-off area by eliminating the middle curb cut. The project would have one access point from Savannah Street.

g. The applicant should coordinate with the Bureau of Traffic Services, DPW, for the final design of the main drop-off, rear drop-off, private service roadways, and all signage.

23. In response to the memorandum from DPW dated January 26, 1990, the applicant, by letter dated February 5, 1990, argued that the proposed alternatives were unnecessary, would impose additional expenses upon the applicant, and would negatively impact the aesthetics of the facility as originally designed. By letter dated February 5, 1990, ANC 8C concurred with the recommendations of the DPW. By memorandum dated January 26, 1990 the Office of Planning recommended approval of the application subject to the condition that traffic and transportation concerns be adequately addressed by the applicant.

24. At its public meeting of February 7, 1990, the Board reopened the record to afford the applicant, the ANC, the Office of Planning and the Department of Public Works an opportunity to meet and attempt to reach an agreement with respect to the alignment of the proposed service roadway system and points of ingress and egress to the site.

25. By memorandum dated February 23, 1990, the DPW reaffirmed its recommendations contained in its memorandum dated January 26, 1990.

26. By memorandum dated February 23, 1990, the Office of Planning indicated its continued support for the project. The OP was of the opinion that the project would provide a

needed service for children and adults with multiple handicaps, provide employment for area residents, and provide an attractively designed building. However, with regard the transportation and traffic issues, the OP deferred to the expertise of the Department of Public Works.

27. By letter dated February 21, 1990, ANC 8C concurred with the DPW recommendation.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such special exception relief, the applicant must demonstrate substantial compliance with the criteria set forth in 11 DCMR 207 and, further, that the granting of the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board concludes that the applicant has met the requisite burden of proof. The applicant has been providing services for the developmentally disabled community in the Metropolitan area for many years. The proposed facility, as amended to meet the concerns expressed by the ANC and the DPW, will not be objectionable to adjoining and nearby property owners because of noise, traffic, number of students, or other objectionable conditions. On-site parking in excess of that required by the Zoning Regulations has been provided to accommodate vehicular traffic likely to come to the site.

The Board concludes that it has afforded the ANC the "great weight" to which it is entitled. The Board further concludes that, as hereinafter conditioned, the requested relief can be granted as in harmony with the intent and purpose of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

a. All curb cuts and driveways shall be as shown on the site plan marked as Exhibit No. 45B of the record. The applicant shall install proper signage indicating the vehicular circulation patterns on the site in cooperation with the Department of Public Works as outlined in its memorandum dated January 26, 1990 and marked as Exhibit No. 42 of the record.

b. The applicant shall provide a private service roadway as shown on the site plan marked as Exhibit No. 45B of the record and as described in

the DPW report dated January 26, 1990, marked as Exhibit No. 42 of the record.

c. The number of students shall not exceed 150. The number of staff shall not exceed eighty.

d. Drop-off and pick-up of students shall occur between the hours of 8:45 and 9:15 A.M. and 2:45 and 3:15 P.M.

e. The hours of operation shall not exceed from 8:30 A.M. to 4:30 P.M., Monday through Friday.

f. The on-site parking area shall be avilable for neighborhood use during hours that the facility is not in operation.

VOTE: 4-0 (Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUL 11 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE