GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: December 3, 2002

SUBJECT: BZA Application 16955 - Request filed by Spanish Education Development Center, Inc. for two **special exceptions** to permit a child development center and a private school, and a **variance** to decrease the parking required for the private school, proposed by Spanish Development Center, Inc. for 1840 Kalorama Road, N.W.

APPLICATION
Application of Spanish Development Center, Inc.:

1) **Special Exception pursuant to 11 DCMR §§205 and 3104** to permit the continuation of an existing Child Development Center with 100 children ages 2 to 10 years of age and 12 teachers;
2) **Special Exception pursuant to 11 DCMR §§206 and 3104** to permit a Private School with 75 adult education students and 12 teachers; and
3) **Variance relief to 11 DCMR §§2101 and 3103** to reduce the parking required for the Private School from 14 to zero;

for property located on the south side of Kalorama Road, N.W., 1840 Kalorama Road, between Columbia Road and 18th Street, Square 2553, Lot 826. The property is zoned R-5-B, moderate density general residence district.

BZA
Case No. 16955
Exhibit No. 33

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for the special exception to permit the Child Development Center, approval of the request for the special exception to permit the Private School, and the approval of the variance request to reduce the parking required for the Private School, subject to the provision of 2 off-street parking spaces within the neighborhood.

PROJECT DESCRIPTION
The subject property is currently permitted for use as a "School for children 2 thru 8, 100 students, 12 teachers" pursuant to a Certificate of Occupancy (No. B105567) issued February 21,

Board of Zoning Adjustment
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1978. This application proposes to continue the school as a Child Development Center, expanding the ages of the children up to age 10. The Child Development Center operates from 7:00 a.m. until 6:00 p.m. No parking is provided for the Child Development Center and the applicant provides that the parking is grandfathered and therefore none is required.

The application also proposes a Private School for the teaching of English as a second language and training in parental skills to adults. Seventy-five students and twelve teachers are proposed for this adult education center, which will operate from 6:00 p.m. to 9:00 p.m. Childcare will be provided for a maximum of 30 children to accommodate parents enrolled in classes. A variance is requested to reduce the parking requirement for the Private School from fourteen to zero.

Both uses will operate within the existing building and no construction is proposed.

SITE AND AREA DESCRIPTION

The property consists of Lot 806 of Square 2553, in the North West quadrant of the District. It is 6,000 square feet in area and 50 feet wide. It is improved with a three and one-half story row house that has been converted into a school, and a two-story school building addition on the east side of the row house. The rear yard, improved as an outdoor play area for children, is relatively level, supported by a retaining wall along the alley frontage. A chain link fence secures the play area. The existing building has been used as a school for children since at least April 1972, according to an Application for Certificate of Occupancy dated April 24, 1972 submitted by the previous tenant of the building. The improvements to the site, including the school building addition, have existed in essentially the same configuration since at least 1960, as shown on Plan 6 of Volume Three of Baist's Real Estate Atlas of Surveys of Washington, District of Columbia, copyrighted 1960.

To the east of the subject property is a two and one-half story row house with a basement apartment. To the west is a three and one-half story row house. To the north, across Kalorama Road, are three and three and one-half story row houses, some of which have been converted to apartments. To the south, across the 15-foot wide public alley, are three story row houses and townhouses associated with the "The Promenade", a nine-story apartment building fronting on Columbia Road. All surrounding properties are located within the R-5-B district.

The surrounding area is predominantly residential, primarily developed with three story row houses and four story apartment buildings. Taller apartment buildings are located to the west, along Columbia Road, and retail establishments are located to the east, along 18th Street. A commercial parking lot is located on the east side of 18th Street, between Kalorama Road and Columbia Road.

Pedestrian access to the site is from Kalorama Road. There is no vehicular access to the property.

The area has been identified on the Generalized Land Use Map as moderate density, which is described as *"[r]ow houses and garden apartments are the predominant uses; may also include low density housing."*

EXISTING ZONING

The subject property is zoned R-5-B, moderate density general residence district.

R-5 General Residence Districts

"The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development if they conform to the height, density, and area requirements established for those districts under chapter 4 of this title. The R-5 districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive Residence districts." (§350.1)

RELIEF REQUESTED:

Special Exception pursuant to §205– Child/Elderly Development Centers

Section 205 sets forth the specific criteria under which Child Development Centers may be permitted within a residential district. Those provisions are as follows:

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

The application indicates that the existing Child Development Center is currently licensed, and that the applicant will continue to maintain all necessary licenses and permits. Child Development Centers are licensed by the D.C. Department of Health, which has submitted a letter dated October 23, 2002 recommending approval of the application.

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.

The use should not create an objectionable traffic condition or unsafe condition for picking up and dropping off of children. The application indicates that most children are walked to and from the school by their parents and that the Center proposes to continue to operate the same way as it has for the last 24 years. For those children that are walked to the school there are no unsafe traffic conditions resulting from the use. The application also indicates that a small number of students are driven to the school. For those students, parents must find parking within the neighborhood. The application indicates that this has not been a problem in the past. As the school proposes to operate in the same manner as it has previously, the situation should continue to not be a problem.

The District Department of Transportation did not comment to the Office of Planning on the Child Development Center, and the ANC has not indicated any concern regarding objectionable traffic conditions.

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

No parking is provided for the use and the site does not provide opportunity for the provision of off-street parking. The attorney for the applicant informed the Office of Planning by telephone that they consider the existing parking situation for the Child Development Center as grandfathered. Although no information was submitted indicating the date that the subject property was first used as a school, the school building addition was apparently already in existence in 1960, increasing the likelihood that the use was in existence on the site prior to 1958.

According to the applicant, five staff members, including teachers and administrative staff, drive to the school. The remainder arrive by public transportation or walk. As a school, the use does not generate a lot of visitor activity, and any visitors that do come to the site would be expected to come from within the neighborhood.

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.

No changes are proposed to the existing outdoor play area, located to the rear of the property. The outdoor play area is only used during the day, minimizing the impacts on adjacent and nearby properties.

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.

No changes are proposed to the design of the facility and no parking area is proposed.

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.

No off-site play area is proposed.

205.8 The Board may approve more than one (1) child/elderly development center in a square or within one thousand (1,000 ft.) of anther 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, other similar factors.

The Board has not approved any other child development centers within the subject square and the Office of Planning is unaware of any other child development centers within 1,000 feet of the subject property.

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

The D.C. Department of Health submitted a letter dated October 23, 2002, recommending the approval of the Child Development Center. This application is not relevant to the D.C. Office on Aging and this report is the written report of the D.C. Office of Planning.

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."*

The D.C. Department of Human Services informed the Office of Planning by telephone that they do not license child development centers.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 205, provided the requested parking variance is granted.

Special Exception pursuant to §206– Private Schools and Staff Residences
Section 206 sets forth the specific criteria under which Private Schools may be permitted within a residential district. Those provisions are as follows:

206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted in an R-1 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

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.

206.2 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The proposed use is for a private school only, and not a trade school. The use is proposed to operate from 6:00 p.m. to 9:00 p.m. within an existing school building used during the day for a school for children. The applicant anticipates that most of the students will live in the neighborhood and will walk to the school, minimizing any traffic impacts associated with the use. The amount of parking required for the private school is 16 spaces, two more than indicated in the application. The variance requested to the parking requirements of chapter 21 is addressed below.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 206, provided the requested parking variance is granted, reducing the number of parking spaces from 16.

Variance relief to §2101.1– Schedule of Requirements for Parking Spaces
Section 2101.1 sets forth the minimum number of off-street parking spaces required. Two parking spaces for every three teachers, plus one parking space for every ten classroom seats is required, for a total of 16 parking spaces, as shown below.

	Parking Requirement	Amount of Parking Required
12 teachers	2 spaces/ 3 teachers	8
75 classroom seats	1 space/ 10 classroom seats	7.5
TOTAL	--	(15.5) 16

Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."*(§3103.2)

The extraordinary or exceptional situation is that the site is already improved as a school with an outdoor play area and no opportunity to provide parking on-site. Due to the topography of the site and the existing retaining wall separating the rear yard from the public alley, the rear yard cannot be made accessible to vehicles without the removal of at least a portion of the wall. The need for parking is also different within this Ward than it is in many other parts of the City. The Comprehensive Plan indicates that *"[a]bout fifty-eight percent (58%) of households are without cars and, consequently, dependence on mass transportation in the ward is high."* (§1212.6). This correlates with the application, which states that they expect the majority of the students for the private school to walk. Reducing the parking requirement by 58 percent results in a total of 7 parking spaces.

The District Department of Transportation informed the Office of Planning by telephone that parking is a at premium within the neighborhood and that this variance will have a negative effect on the surrounding residential uses. The District Department of Transportation recommends that students of the private school park within the commercial parking lot located on the east side of 18th Street, between Kalorama Road and Columbia Road, as many of the residents of the neighborhood with cars are likely to be home in the evenings, when classes are on-going. If arrangements are made by the Private School for the provision of 2 off-street parking spaces

within the neighborhood, as the application indicates that some of the students may drive to the site, for use by either students or teachers, it will reduce some of the demand for on-street parking within the neighborhood resulting from the establishment of the private school use.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief of §2101.1, provided two off-street parking spaces are provided.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following objectives of the Ward 1 Element:

> *"To expand the occupational skills and job opportunities for Ward 1 residents, particularly the unemployed, underemployed, and economically disadvantaged."* (§1201.1(d))

This proposal will contribute toward achieving the following actions of the Ward 1 Element:

> *"To... assist Ward 1 residents in qualifying for and attaining job placements with higher wage potential;"* (§1203.1(b))
>
> *"To increase competency in English for residents who speak English as a second language;"* (§1203.1(k))
>
> *"To implement economic development objectives for 18th Street and Columbia Road by doing the following:*
>
> > *(5) Promoting and supporting businesses that capitalize on the unique cultural and ethnic characteristics of residents in the area;"* (§1203.1(q))

COMMUNITY COMMENTS
The applicant has informed the Office of Planning that **ANC 1C** voted 6 to 0 to approve the applications.

CONCLUSION
It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of §205 and §206, and variance relief of §2101.1, and *"that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map"* (§3103.2), provided that the applicant provide for a minimum of two off-street parking spaces at the commercial parking lot on 18th Street, or any other parking lot within the neighborhood able to accommodate the school.

RECOMMENDATIONS
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception and

variance relief. The Office of Planning concludes that each of the special exception requests conform with the required criteria. The Office of Planning also concludes that the parking variance can be minimized, provided that two off-street parking spaces are provided off-site and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

1) **Special Exception pursuant to 11 DCMR §§205 and 3104** to permit the continuation of an existing Child Development Center with 100 children ages 2 to 10 years of age and 12 teachers;
2) **Special Exception pursuant to 11 DCMR §§206 and 3104** to permit a Private School with 75 adult education students; and
3) **Variance relief to 11 DCMR §§2101 and 3103** to reduce the parking required for the Private School from 16 to 2; subject to the following condition:

1) That the applicant may provide the off-street parking spaces for use by the private school at an off-site location.

AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16955

DC Office of Planning
November 13, 2002

Scale 1:1273

25 0 25 50 75 Feet

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Attachment 1