APPLICATION OF SPANISH EDUCATION DEVELOPMENT CENTER, INC.

For Approval of a Special Exception to Use Property as a Child Development Center and Adult Education Center Pursuant to Subsection 3104.1 and Sections 205 and 206 of the Zoning Regulations

District of Columbia Board of Zoning Adjustment
October 3, 2002

This application is made pursuant to § 3104.1 of the Zoning Regulations for the District of Columbia ("Zoning Regulations"), for a special exception under §§ 205 and 206 to allow the Spanish Education Development Center, Inc. ("Applicant") to continue to use the Property as a "school for children" for 100 children ages two to 10 years and to add the function of adult education classes. A parking variance is also requested, pursuant to §§ 3104 and 2101.1 of the Zoning Regulations. The enclosed Zoning Administrator's Memorandum identifies the special exception relief. The Application also includes a Self-Certification form as to the need for the requested parking variance. The site is zoned R-5-B and is located at 1840 Kalorama Road, N.W. (Square 2553, Lot 826) (the "Property"). The Applicant is the sole tenant and user of the Property. The Property has continuously been used as a school for children for at least 30 years. The Property is owned by John R. Garrison, who has granted Applicant the authority to file and prosecute this application.

The Subject Property and Surroundings

The subject property fronts on Kalorama Road, N.W, and is located in the middle of the block between 18th Street and Columbia Road, N.W. The Applicant has been the sole tenant at the Property for approximately twenty-five (25) years.

In general, the uses on nearby squares consist of large row houses with scattered apartment houses in the neighborhood areas zoned R-5-B, the development pattern typically found in R-5-B Districts. The nearest arterial streets are 18th Street, one-half block to the east, which is zoned C-2-B along both frontages and which functions as a major retail-restaurant-entertainment corridor. Columbia Road is situated one-half block to the west. It is zoned R-5-D and developed with apartment houses.

The Proposed Use

The existing use of the Property as authorized by the Certificate of Occupancy ("C of O") Number B105567 is for a "school for children," with up to 100 children and 12 teachers and offices for the program. No change or expansion of this use is proposed. The only new use of the Property proposed in this Application is adult education classes for up to 75 individuals in five classrooms seating 15 persons each. This function will occur predominantly but not exclusively in the evening hours. The adult education classes include English as a second language and training in parental skills. The Spanish

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Education Development Center, Inc. was established in 1970 and is among the oldest and most prestigious Latino community-based organizations in the District of Columbia. The Applicant has been operating from 1840 Kalorama Road, N.W. for most of those three decades. Even prior to the Applicant's occupancy of the building in the early 1970s, 1840 Kalorama Road had long operated as a school.

Compliance with Special Exception Criteria

The proposed uses of the Property are consistent with the applicable special exception standards of the Zoning Regulations for a child development center and a private school as set forth in 11 DCMR §§ 205 and 206. These criteria for approval are reviewed and documented below.

Child Development Center – Section 205

The main clause, §205.1, authorizes the Board to approve as a special exception, use as a child development center in an R-1 district in accordance with the conditions specified in §3104 and the conditions specified in §§205.2 through 205.10, as follows:

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

Comment: The Applicant is currently licensed for the child development center function, and will obtain and continue to maintain any necessary licenses and permits required to operate the property in accordance with this 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.

Comment: The Property has been used as a child development center for many years under its existing C of O. The majority of the children are from low- and moderate-income families living in the neighborhood. Those children are brought to the Center on foot by parents, thereby alleviating any adverse traffic effects from pickup and drop-off of children. Some parents also pick up and drop off the children on Kalorama Road, but little congestion occurs and neighbors have not complained of backup problems.

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

Comment: A request for a parking variance is included in this application, including a response to this criterion.

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.

Comment: The center has its own outdoor and indoor play areas, so that the children do not have to walk past other homes to reach a park or other open space. The outdoor play space is located in the back of the Property and is reasonably buffered from adjacent properties to minimize affects from noise. Also, the outdoor play times occur only during parts of each day, and the facility has been operating for many years.

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.

Comment: The Applicant believes that the existing building and yard are situated so as not to impose any adverse effects on neighbors. The building's façade is traditional (in keeping with this block of Kalorama Road), quite handsome and well-maintained. However, the Applicant will comply with additional screening or similar requirements if these are required by the Board.

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 play area and the center itself.

Comment: Complies. The Property has its own play area, so that the children do not need to travel to a park or play area.

205.8 The Board may approve more than one (1) child development center in a square or within one thousand feet (1,000 ft.) of another child 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.

Comment: The Applicant is not aware of the existence of any other child development center within one thousand feet of the Spanish Education Center.

205.9 Before taking final action on an application for use as a child development center, the Board shall submit the application to the

D.C. Departments of Public Works and Human Services, 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.

Private School and Staff Residences – Section 206

The main clause, §206.1, authorizes the Board to approve as a special exception, use as a private school in an R-1 district in accordance with the conditions specified in §3108 of chapter 31 of this title, as well as the conditions specified in §§206.2 and 206.3, as follows:

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

Comment: The Property is currently used as a "school for children"[1] in accordance with the existing C of O. Although one complaint has been lodged against the Property, the Applicant's general impression is that residents of the neighborhood appreciate the educational and child care services provided by the Applicant. The addition of the adult education function is not expected to cause an increase in traffic in the neighborhood because all or nearly all of the participants live in the neighborhood and will primarily walk to the site. The number of teachers and staff will not change, but will continue to be eight teachers and four staff members. As to potential noise affecting neighbors, the adult education classes will occur only indoors and will not create any noise or other adverse effects on neighbors.

206.3 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.

Comment: See the discussion of the requested parking variance below.

Requested Parking Variance

[1] The existing use under this broad C of O actually includes traditional child development center functions, as well as classroom teaching for Kindergarten through Second Grade.

The parking requirement for the child development program is one space for every four teachers or other employees. For private school use, the requirement is two spaces for each three teachers, plus one space for each 10 classroom seats. Because the child development center is already in existence with a valid C of O, and because the adult education (private school) is the new use, the Applicant bases the variance request on the private school parking requirement. Thus, the eight teachers require 6 parking spaces, and the 75 classroom seats requires an additional 8 spaces, for a total of 14 spaces.

Comment: The number of teachers and other employees will continue to be 12, as it has been under the existing school for children. The teachers and staff are responsible for either arriving at the Center by public transit, on foot, or finding their own parking off-site. This arrangement has proved workable for many years and has not imposed any adverse effects on neighboring properties. The adults who attend classes are predominantly from the neighborhood and will walk to the classes. In terms of the need for parking on the Property, the majority of the adult education occurs in the evening hours and the child care function is primarily a daytime function, although there is some overlap in the early evening. The main point is that activity patterns are spread out rather than being concentrated, especially regarding the modest level of vehicular traffic associated with this use.

The practical difficulty in providing the 14 spaces is that the Property consists of a side-by-side pair of large, townhouse structures in the middle of a block lined primarily with large townhouses and apartment conversions. The ample rear yard is needed for the play area for the children in the child development program. Placing even one or two parking spaces next to the play area would be incompatible and would unduly reduce the size of the play area. The Applicant believes the present system of arrivals and departures can continue to work effectively without the normally-required parking spaces.

Based on the facts and analysis presented in this memorandum, the Applicant has demonstrated that, as required by § 3104.7, the proposed uses are "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely effect the use of neighboring property" . . . In addition, the requested uses for the Property will allow the Applicant to expand its services to the Adams Morgan and Mount Pleasant neighborhoods and the minority community of the District of Columbia. The identified practical difficulty regarding parking provides a sound basis for approval of the requested parking variance.

Conclusion

The Applicant has demonstrated that the proposed use of the Property complies with the standards for approval pursuant to § 3104.1 and §§ 205 and 206 of the Zoning Regulations. We respectfully request approval of this application.

Respectfully submitted,

Spanish Education Development Center, Inc.

By: Martha Egas
Name:
Title: