GOVE] MENT OF THE DISTRICT OF COLU IA
OFFICE OF PLANNING
★ ★ ★

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: February 24, 2003

SUBJECT: BZA Application 16970 - Supplement

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 25 AM 11: 20

APPLICATION
The National Child Research Center (NCRC) is requesting a Special Exception to continue an established Child Development Center use, increase the allowable staff from 28 to 38, and construct additions to existing buildings on property located at 3209 Highland Place, N.W. (Square 2072 Lot 30) pursuant to Sections 205 and 3103.13 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

SUMMARY RECOMMENDATION
The Office of Planning recommends denial of this application because the submission fails to meet the requirements of Section 205 of the Zoning Regulations.

ADDITIONAL INFORMATION
The previous Office of Planning staff report dated February 6, 2003, did not include a recommendation pending receipt of additional information from District agencies. Since that submission, additional information from the Departments of Transportation (DDOT) and Department of Health, Health Regulation Administration, Child and Residential Facilities Division (DOH) has been received and factored into the OP analysis. Responses from the Police Department, DOH and Zoning Administrator are still pending.

ANALYSIS
The referenced Special Exception is subject to provisions under Section 205 for a Child Development Center use in R-1-B. The underlined sections below reflect additional information.

Compliance with Section 205
The requirements under this section include:

205.1 Use as a child/elderly development center shall be permitted in an R-I 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.

BZA
Case No. 16970
Exhibit No. 125

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.125

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

This proposal was referred to the DOH for comment. The current Child Development Center use is licensed to serve a maximum of 108 children on-site at one time. DOH's initial response was to recommend that the subject application be approved for the same number of students "pending inspection of the future program space". At the request of the Office of Planning, applicant representatives forwarded proposed facility plans to DOH staff for a determination whether the proposed facility will meet license requirements for 120 children on-site at any one time. To date no additional formal response has been received, however DOH staff estimates proposed construction would be sufficient for an additional 42 children (potentially 150 children a day).

The Statement of the Applicant also includes a diagram illustrating how class sizes would be reduced "without reducing enrollment". Between one and three students would be withdrawn from each existing groups to reach the desired size. Ten new students would then be enrolled and added to the 19 withdrawn from existing groups to create two groups of 13 and 16 students. This proposal is consistent with the stated objective in NCRC's long-range plan of reducing class size without decreasing enrollment. The additional 10 children would increase current enrollment from 171 to 181. The applicant would like the option to add 4 more children bringing the total enrollment to 185 children. This total would the be 14 more than the current enrollment, and 65 more than the 120 children listed in Final Order 16307.

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 ...

Based on the submitted plans, current drop-off and pick-up points would not change as a result of the new construction. However, residents in the neighborhood have complained vociferously about the traffic impacts, suggesting that there appears to be a correlation between the level of traffic congestion and the total numbers of students enrolled, in addition to the correlation to the maximum number of students allowed on-site at any one time, which is the applicant's argument

The applicant hired O.R. George & Associates Traffic Engineers to analyze existing conditions and potential impacts of the proposed changes in response to an OP request. However, the final report was only received one week prior to the date the agency reports are due. As a result, the District Department of Transportation (DDOT) did not have sufficient time to review the report and provide a recommendation to the BZA on the sufficiency of the current Traffic Management Plan or the impact of the proposed changes prior to the BZA public hearing on February 11, 2003. Staff also requested the the Metropolitan Police Department (MPD) review its records for calls for service related to traffic congestion or illegal parking activity in the area since Final Order 16307 was adopted.

In a memorandum dated February 5, 2003, Ken Laden, Associate Director for Transportation Planning, stated that DDOT does not support the application as currently proposed because the "proposed new construction, and subsequent increase of staff and enrollment at the subject site will have an adverse impact on the parking supply, will create dangerous and otherwise objectionable traffic conditions and increase traffic

volume on neighboring street" (refer to Exhibit 1). Based on this response, OP concludes this application does not satisfy this section. No formal response was received from MPD, however staff indicated that no related calls for service were on file.

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

The applicant proposes to increase the number of employees from 28 to 38. No parking spaces are provided on-site currently and none are proposed. The applicant indicated that no parking spaces are required under Section 2100.5 of the Zoning Regulations because the subject property contributes to the integrity of the Cleveland Park Historic District. However, it is unclear whether the proposed Carriage House and main building additions, which are not historic, require the provision of on-site parking spaces in accordance with Section 2100.6 (refer to Exhibit 2). The Zoning Administrator has been requested to determine whether on-site parking spaces are required for this addition.

After reviewing existing conditions and the proposed changes, the consultant concluded, "NCRC does not generate sufficient parking demands on the local area roadways, particularly as they pertain to the Residential Parking Permit (RPP) provisions for the area." Residents, however, complain that the existing Child Development Center is negatively impacting traffic circulation and parking in the area. Based on the referenced DDOT response, OP concludes that the application does not satisfy this section.

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.*

Playground operation and activities during school hours have not been a major concern expressed by the neighborhood. The proposed construction will reduce the size of the existing playground, but not relocate it.

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.*

On January 28, 2003, the Historic Preservation Review Board (HPRB) reviewed the conceptual plans for consistency with the goals of the historic district. HPRB approved the conceptual plans, with some comments. The applicant is required to return with revisions to address the stated concerns.

HPRB staff will work with the applicant on landscaping and erosion plans in conjunction with final plan approval.

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 in this application.

205.8 *The Board may approve more that 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.

The DOH provided a list of licensed Child Development Centers in the vicinity. Agency records do not list another licensed facility within 1000 feet of the subject property.

Conclusion and Recommendation

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

Based on the finding that traffic and parking demands related to the proposed expansion will have an adverse impact, OP concludes that this application and the associated facility expansion do not meet the requirements of Section 205, and will tend to affect adversely the use of the neighboring properties.

The Office of Planning therefore recommends denial because this application does not meet the requirements of Section 205 of the Zoning Regulations. Staff supports efforts by the applicant and neighboring residents to continue to work with DDOT to resolve the traffic issues. OP is also aware the ANC, applicant and neighbors may submit additional information concerning this application in the near future. At that time, staff will consider whether this information is sufficient to modify the current recommendation.

AA/afj

Attachment:

Exhibit 1 Memorandum from Kenneth Laden, Associate Director for Transportation Planning, Department of Transportation, to Andrew Altman, Director, Office of Planning, dated February 5, 2003
Exhibit 2 Pertinent Provisions of the Zoning Regulations