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:** November 17, 2003

**SUBJECT:** BZA Application 17076

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**APPLICATION**
The Jubilee Housing, Inc. and Good Shepard Ministries, Inc. are requesting a special exception to allow a Child Development Center and a variance from the off-street parking requirements for properties located at 1630 Fuller Street NW, 1650 Fuller Street NW, and 1631 Euclid Street NW. pursuant to Sections 205, 3104, and 3103 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

**SUMMARY RECOMMENDATION**
The Office of Planning **recommends approval** of the special exception to allow a childcare center and of the variance from the off-street parking requirements.

**SITE AND AREA DESCRIPTION**
The subject properties are located on Fuller and Euclid Streets between Mozart and 17th Street NW in the Adams Morgan neighborhood. 1650 Fuller is a four story brick apartment building built in 1917. 1630 Fuller and 1631 Euclid are both five story brick apartment buildings built in 1927. The middle of the block is occupied by the H.D. Cooke Elementary School with the remainder of the block in residential use. The sites and the area to the east and west are zoned R-5-B and are largely moderate to medium density residential. The area south of the Euclid site is zoned R-5-D. To the north of the Fuller sites are Columbia Road commercial properties zoned C-2-B.

**PROGRAM DESCRIPTION**
This application is for three individual centers in three different buildings. The Primary Plus center operates at 1631 Euclid Street. It serves approximately 38 students in grades 1-3 and operates from 3:15 to 5:30 on Monday through Thursday. The After School Center at 1630 Fuller Street serves about the same number of students in grades 4-6 and operates from 3:15 to 7:00 Tuesday through Friday. The Teen Learning Center has had an enrollment of

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approximately 54 students in grades 7-12. It is located at 1650 Fuller Street. All of the buildings were built pre-1958 and are therefore not required to seek relief from bulk zoning requirements.

The centers currently employ a total of one part-time and twelve full-time employees. Childcare centers are required to provide one parking space per four employees per section 2101.1 of the Zoning Ordinance. The existing lots provide no room for the required three parking spaces.

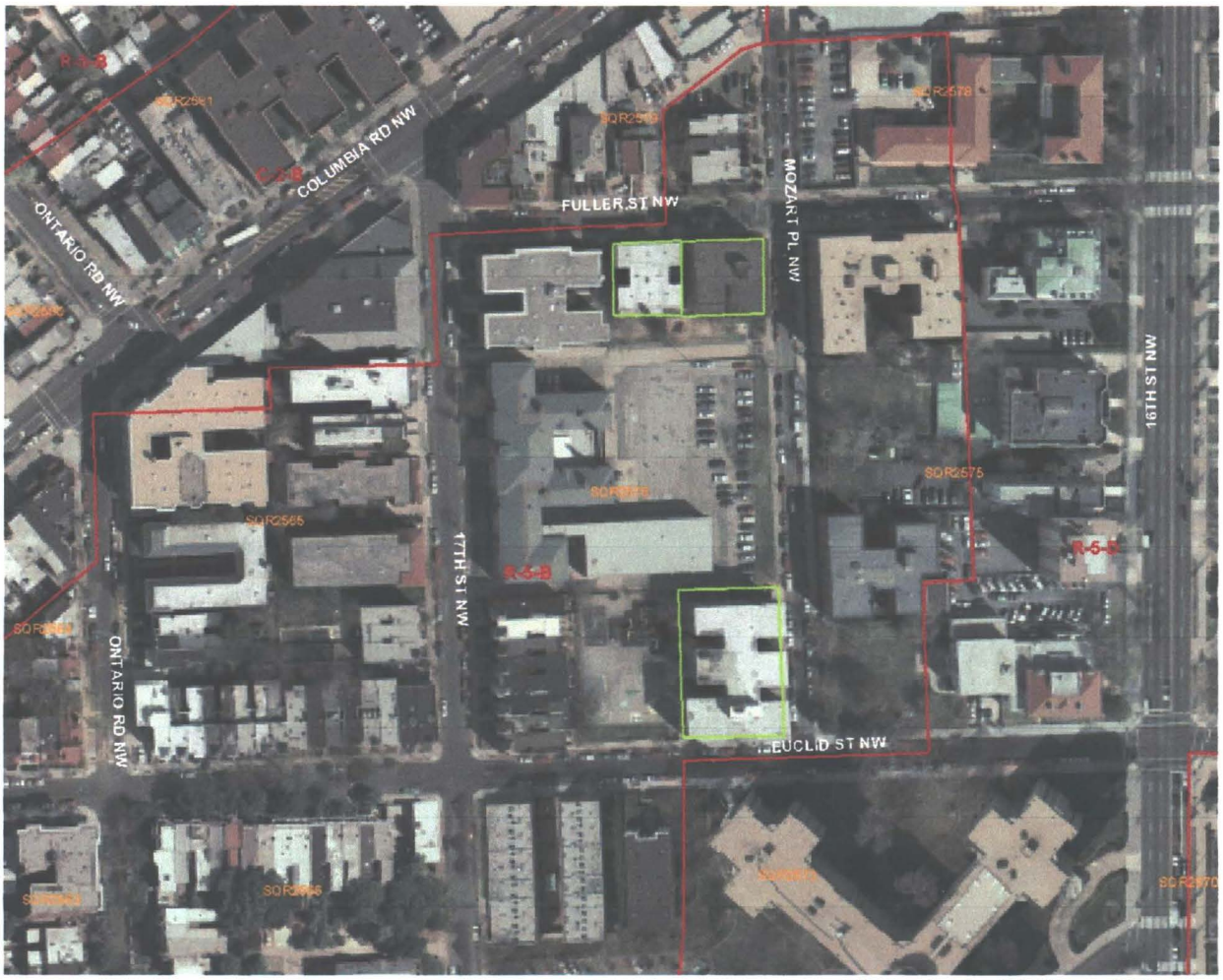



**Figure 1: Aerial View of Sites**

## ANALYSIS

### Special Exception

The first part of the application is a special exception for a childcare center. 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."

**Compliance with Section 205**

The referenced Special Exception is subject to provisions under Section 205 for a Child Development Center use in R-5-B. The requirements under this section include:

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

Per 29 DCMR 300.3(d), the District does not license after-school programs. Multiple attempts to contact the Department of Health to confirm that no licensing is required for this use have failed.

*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.*

The applicant has stated that the students using these programs live within the Jubilee Housing properties and therefore the sites have little or no vehicular traffic for pick up or drop off of children. Typically, less than five children per day are picked up or dropped off to the site.

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

The applicant is requesting a variance from the parking requirements that is addressed later in this report. Five parking spaces are provided offsite to mitigate the parking needs of the use.

*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.*

The center is located within the existing buildings. Outdoor play area for the Primary Plus center is in the Cooke Elementary School playground while the Afterschool Center uses the vacant lot on the block owned by Jubilee Housing. Use of these areas should not result in conditions objectionable to the neighborhood.

*205.6 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.*

Play areas are located on adjacent lots as stated above.

*205.7 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.*

Staff has not found approvals of or evidence of any other child development centers within 1000 feet.

Based on these findings, OP concludes that this application meets the requirements of §205 for approval of the special exception.

**Variance**
As stated above, three off-street parking spaces are required by the zoning ordinance. The existing lots provide no room for the required spaces to be located on-site. The center currently leases five parking spaces one block away at the corner of Mozart Place and Columbia Road. The inability of the center to provide these spaces on-site requires a variance from §2101.1.

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

The three existing buildings on these sites all predate the current zoning ordinance. The existing situation provides a hardship since no room was provided on the lots for additional off-street parking. The situation is unique in comparison to other childcare centers because these centers are intended for and used by residents of the three Jubilee Housing buildings and do not require parking for pickup or drop off. This minimizes any need for parking for this use.

The applicant is mitigating the effects of the variance by leasing parking spaces off-site. Five parking spaces are leased on the corner of Mozart Place and Columbia Road NW. This lease provides the required number of spaces for this use and allows the application to meet the intent of the zoning ordinance without being able to provide the parking spaces on-site.

Further, the provision of off-site spaces and the use of the center almost exclusively by residents addresses the third variance test by providing assurance that there will be no harm to the public or to the zone plan. Based on all of these considerations, the Office of Planning concludes that this application meets the requirements of §3103.2 for approval of a variance.

**COMMUNITY COMMENTS**
ANC 1C met and discussed this application on November 5, 2003. OP has been provided with a copy of a unanimous ANC resolution in favor of the application.

**AGENCY COMMENTS**
Staff was unsuccessful in repeated attempts to determine whether DDOT had any issues with this application.

**RECOMMENDATION**
Based on the standards of Sections 205, 3103, and 3104 the Office of Planning is of the opinion that the proposed childcare centers will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, and will not adversely affect the use of the neighboring properties. OP **recommends approval** of the special exception and variance.

AA/tp