GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: May 18, 2004

SUBJECT: BZA Application 17160 - Request filed by Greenstein, DeLorme & Luchs, P.C. and Suzane Reatig Architecture for **three area variances** to increase the maximum number of individuals for a child development center, increase the maximum lot occupancy and decrease the minimum off-street parking requirements for a child development center, proposed by Northwest Settlement House for 448 Ridge Street, N.W.

APPLICATION
Application of Northwest Settlement House for:

1. **Variance relief to § 403.2** to permit an increase in the maximum lot occupancy from 40 percent to 62 percent;
2. **Variance relief to § 330.5(d)** to permit an increase in the maximum number of individuals in child development center from 16 to 40; and
3. **Variance relief to § 2101.1** to permit a decrease in the minimum number of off-street parking spaces provided from 3 to 0

for the construction of a new building on the south side of Ridge Street, N.W., between 4th Street and 5th Street, Square 513, Lots 825, 826, 827 and 828. The property is zoned R-4, "row dwellings, conversions and apartments." (§ 105.1(a)(4))

SUMMARY RECOMMENDATION
The Office of Planning recommends **DENIAL** of the request for variances to increase the lot occupancy to 62 percent and to increase the number of individuals to 40.

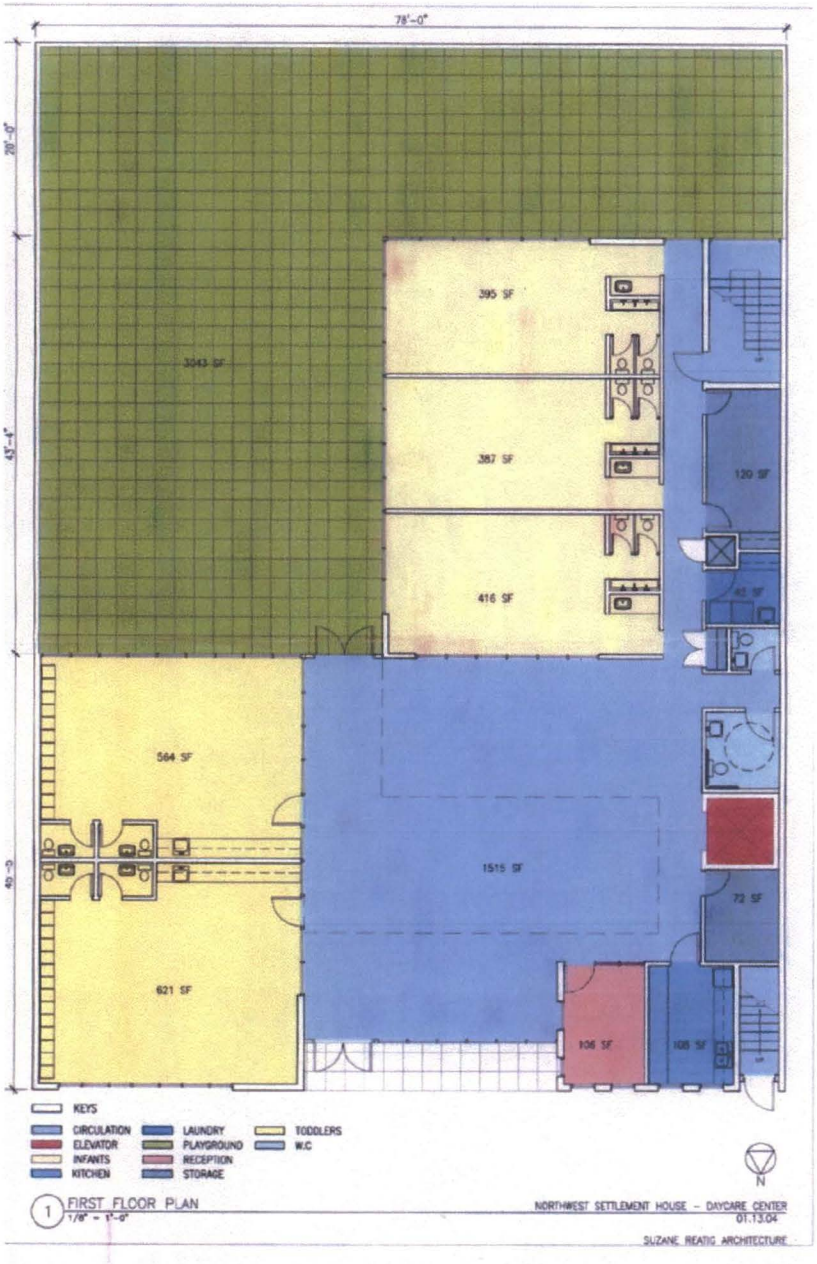
The Office of Planning recommends **APPROVAL** of the request to reduce the number of off-street parking spaces to zero.

BZA
Case No. 17160
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 17160
EXHIBIT NO. 33

PROJECT DESCRIPTION

The application proposes to demolish the existing improvements to the site, which is currently improved with a one-story building resulting in a lot occupancy of 25 percent, and construct a two-story, 5,300 square foot building. The rear yard (3,043 square feet) will be used as outdoor play space for a 40-child child development center. No parking is proposed to be provided, just as there is no parking provided today.



The building will contain a multi-purpose hallway area that will also serve as an indoor play area for child development center and be available for community meetings, five classrooms, two meeting rooms, five offices for teachers and staff, a teacher's lounge, a director's office, a kitchen and a computer lab.

The application indicates that other uses proposed for the building include an after-school program, meeting space for senior citizens, and a second computer lab separate from study and activity space for school age children. The applicant has also indicated that the location will be used as a pick-up and drop-off point for trips for senior citizens approximately once a week.

HISTORY

The Board of Zoning Adjustment, under Appeal No. 6475, granted a variance to the use provisions of the R-4 District on September 26, 1961 to permit a "settlement house" at Square 513, Lots 826 and 827. A Certificate of Occupancy, No. B 36356, was issued on October 2, 1962 for a day care center for 30 children on Lots 826 and 827.

SITE AND AREA DESCRIPTION

The subject property, with a lot width of 78.51 feet and lot area of 8,535 square feet, is both wide and large as the minimum requirements for the proposed use within the R-4 District is a lot width of 40 feet and a lot area of 4,000 square feet. Topography is relatively level and the property is rectangular in shape. Located on the south side of Ridge Street and within the Mount Vernon Historic District, it consists of four tax lots and is improved with a one-story non-contributing cinder block building constructed in 1961. No rear alley access is available and no on-site parking is provided.

To the east of the subject property is an occupied row house and to the west is an abandoned row house. To the north, across Ridge Street, are row houses, flats and vacant lots. To the south, fronting on M Street, are row houses, apartment buildings and a vacant lot that is adjacent to the subject property. At the southeast corner of 5th and Ridge Street is Metropolitan Community Church, which is improved with a parking lot that is accessible from 5th Street. All surrounding properties are located within the R-4 Zone District.



Aerial View of Site

The area has been identified on the Generalized Land Use Map as being located within "moderate density" land use category, 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 located within the R-4 Zone District, "row dwellings, conversions, and apartments." (§ 105.1(a)(4))

R-4 Districts: General Provisions

"The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families." (§ 330.1)

RELIEF REQUESTED:
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, 2001 Ed. §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from the strict application so as to relieve the difficulties or hardship; provided, such 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)

Variance pursuant to § 330.5(d) Child/Elderly Development Center
Section 330.5(d) permits a child development center for up to 16 individuals. The applicant is now requesting a child development center for 40, an increase two and one half times over that which is permitted as a matter of right. Although child development centers are permitted as a matter of right within the R-4 District, the restriction of no more than 16 individuals indicates an intent by the Zoning Regulations to permit relatively small centers only.

The application indicates that the exceptional circumstance is that the site has been used as a 30-child day care center for 42 years. However, this does not result in an exceptional practical difficulty due to the strict application of the Zoning Regulations. To the contrary, the use variance that was approved that allowed for the establishment of this Settlement House on the subject property has already provided relief to the restrictions of the Zoning Regulations and the Certificate of Occupancy recognizes the 30-child day care operation in excess of the 16-child limitation contained within §330.5(d).

The application also argues that the subject property "*has an unusually large frontage on Ridge Street...*" The site has a frontage of 78.51 feet, almost double the minimum 40 feet required for "other structures" within the R-4 District, and a lot area of 8,535 square feet, more than double the minimum 4,000 square feet required. Maintaining the same child-to-lot area ratio as permitted as a matter of right would yield a 34 individual child development center. Therefore, it could be argued that a lot of this size should be able to support a larger child development center. However, this child-to-area ratio does not take into account the number of other services proposed to be provided by the applicant on the subject property, which include programs for senior citizens and after school programs for older children, further intensifying the use of the property. No evidence has been provided to show a practical difficulty that results from a larger than average frontage that could be relieved by increasing the number of children on site.

The Office of Planning has concluded that the variance tests have not been met, and an increase to 40 children on-site would be contrary to the intent and purposed of the Zoning Regulations. The Office of Planning does, though, recognize the applicant's right to continue a day care center for 30 children, as indicated on the current Certificate of Occupancy.

Variance pursuant to § 403.2 Percentage of Lot Occupancy
Section 403.2 sets forth the maximum lot occupancy permitted within the R-4 Zone District for "*all other structures*" as 40 percent. The subject application proposes to increase the lot occupancy to 62 percent from the existing 25 percent, an increase of 55 percent over the maximum permitted 40 percent.

The applicant asserts that the lot occupancy requested would allow for a child development center for 40 children all on one level of the proposed 2-story building. The application indicates that they do not believe that the HPRB would allow them to increase the height of the building to 3 stories, and the Historic Preservation Office has indicated that it would not support a 3-story building at this location. However, an increase in height would not reduce the lot occupancy because it would not affect the size of the child development center, which is proposed to be located entirely on the ground level. The applicant prefers that the children not have to make use of staircases, but this is not a requirement of the Department of Health, it is a design choice of the applicant. As a result it is an issue specific to the design and does not result from any uniqueness of the site. No evidence has been submitted as to the uniqueness of the site and the Office of Planning notes that the subject property is large, level and rectangular.

The application does not address the traffic impact that a 40-child development center will have on the surrounding neighborhood. It also does not address how those children that will not walk to the site will be picked up and dropped off.

Since the applicant claims the size of the building is a result of the proposed number of children and the Office of Planning is not supportive of the increase in the number of children, the Office of Planning is also unable to support a variance to the lot occupancy. The Office of Planning notes that the center currently operates a 30-child day care center with a lot occupancy of 25 percent. The Zoning Regulations permit as a matter of right a lot occupancy of 40 percent. No evidence has been provided to indicate what is unique about the site that results in a practical difficulty that must result in a variance to increase the lot occupancy by 55 percent.

It is the Office of Planning's conclusion that the applicant has not satisfactorily met the criteria for variance relief to § 350.5(d), Child Development Center and § 403.2, Lot Occupancy, and that the relief cannot "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)

Variance pursuant to § 2101.1 Off-Street Parking Requirements
Section 2101.1 requires 1 parking space for every four teachers or other employees. The application indicates that there would be 12 employees, resulting in an off-street parking requirement of 3 spaces. The subject property is located within a historic district and the HPRB has indicated that they do not support the addition of a curb cut from the public street at the front

of the property because it would not be consistent with the character of the street. Typically, vehicular access could then be accommodated via an alley. However, the subject property has no alley access. Therefore, the subject property is unique because of its location within a historic district and the fact that there is no alley access. As a result it would be a practical difficulty to provide on-site parking because there is no way to access the site for parking.

In order to mitigate the effect of not providing 3 off-street parking spaces on the community, the applicant has entered into an agreement with the Metropolitan Community Church, located one-half block away for the use of 3 parking spaces within their parking lot during the child development center's hours of operation. The Office of Planning supports the reduction of off-street parking spaces from 3 to 1.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief to § 2101.1, Off-Street Parking Requirements, 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)

COMMUNITY COMMENTS

ANC 2C, at its regularly scheduled meeting on May 5, 2004, recommended approval of the application, provided 3 parking spaces are provided at the Metropolitan Community Church.

Metropolitan Community Church of Washington, DC, in a letter dated May 6, 2004, offered the use of three parking spaces at their facility at 474 Ridge Street, N.W. to The Northwest Settlement House.

United House of Prayer For All People, located at 1117 7th Street, N.W., indicated its support for the application in a letter dated April 30, 2004.

AGENCY COMMENTS

The **Department of Health, Child & Residential Care Facilities Division** (C&RCFD), in a memorandum dated March 19, 2004, *"recommends that the applicant be granted a variance from the capacity and lot occupancy requirements"* and that *"[t]he applicant's proposed request to increase its current licensure capacity to forty (40) children will be recommended pending the C&RCFD assessment of the proposed new facility and identified program space."*

The **Historic Preservation Review Board**, at their meeting of April 22, 2004, approved "*the general conceptual approach as not inconsistent with the character of the historic district*" and "*with the exception of the request for relief from the on-site parking requirement, any approval of the concept should not be construed as an endorsement for any other necessary variances or zoning relief.*"

The **Department of Transportation** did not respond to a request for comments from the Office of Planning.

RECOMMENDATIONS

The Office of Planning recognizes the growing need for quality day care and the positive work performed by the Northwest Settlement House. However, the expansion of the day care to 40 children does not comply with the intent and purpose of the Zoning Regulations, especially § 330. The Office of Planning believes relief has been granted by virtue of the 1961 use variance granted by the Board of Zoning Adjustment and the child day care center is already operating well in excess of the zoning restriction of 16 children.

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 variance relief, and concludes that the variances to increase the number of individuals at a Child Development Center to 40 and to increase the lot occupancy to 62 percent cannot be granted by the Board "*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)

The Office of Planning concludes that the variance to reduce the number of off-street parking spaces to zero can be granted by the Board "*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) Therefore the Office of Planning recommends that only the variance to § 2101.1, Off-Street Parking Requirements, be granted.

AA/sjm$_{AICP}$



BZA APPLICATION NO. 17160

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Feet

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Trees

- Rowhouse
- Single-Family Semi-Detached
- Multi-family
- Vacant
- Resid. Garage
- Religious
- Non-conforming SF Use



★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ April 28, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.