GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 29, 2004

SUBJECT: BZA Application 17160 – Supplemental Report. Revised request filed by Greenstein, DeLorme & Luchs, P.C. and Suzane Reatig Architecture for **two special exceptions** to permit a Child/ Elderly Development Center and a Community Service Center, proposed by Northwest Settlement House for 448 Ridge Street, N.W.

APPLICATION
Revised application of Northwest Settlement House for:

1. **Special Exception relief pursuant to § 205** to permit a child/elderly development center of 24 infants and toddlers and 16 two to five year olds; and
2. **Special Exception relief pursuant to § 334** to permit a community service center.

The revised application still requests a variance to § 2101.1 to permit a decrease in the minimum number of off-street parking spaces provided from 3 to 0, and a variance to increase the maximum lot occupancy from 40 percent to 62 percent. However, the variance request to increase the number of children from 16 to 40, pursuant to § 330.5(d) is no longer a part of the application, as the applicant is no longer proposing to operate a child/elderly development center pursuant to § 330.5(d).

The application does not include a request for special exception relief under § 209, Community Centers, as directed by the BZA on May 25, 2004. Instead the attorney for the applicant informed the Office of Planning by telephone that the applicant is seeking relief under § 334 to permit a Community Service Center, because the proposed use conforms to the definition of that use. The Office of Planning is in agreement that the proposed use conforms to the definition of a community service center as described under § 334.1 of the Zoning Regulations. Subsequent to that the attorney for the applicant submitted supplemental information addressing the provisions of §§ 205 and 334 only.

BZA
Case No. 17160
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO. 17160
EXHIBIT NO. 40

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the request to permit a child/elderly development center and a community service center, subject to the conditions contained at the end of this report.

PROJECT DESCRIPTION
The applicant proposes the same improvements to the site as were originally proposed by this application. The only changes are to the manner in which the proposed uses are to be allowed.

RELIEF REQUESTED:
Special Exception pursuant to § 205, Child/Elderly Development Center
Section 205 permits a child/elderly development centers by special exception within residential zone districts. The application proposes the following:

- 24 infants and toddlers;
- 16 two to five year olds;
- After school program for 20 children between the ages of 6 and 13;
- The equivalent of 12 full time staff members, including 7 infant/toddler staff members, 4 pre-school staff members and the equivalent of 2 after school staff members (3:30 p.m. to 7:00 p.m.) and 5 administrative staff members, for a maximum of 18 on-site at any one time.

The hours of operation are to be from 7:30 a.m. to 6:00 p.m.

The criteria that must be met in order for the Board to grant a child/elderly development center are evaluated below.

205.1 Use as a child/elderly development center shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The subject application is a special exception request for a child development center within a residential zone district under § 3104.

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

The application indicates that the both of the programs proposed to be located at this site are currently licensed and that, pending approval of this request by the Board, will obtain all necessary permits and licenses for the child development center. The **Department of Health, Child & Residential Care Facilities Division** (C&RCFD), in a memorandum dated March 19, 2004, stated *"[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."*

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 applicant has informed the Office of Planning that they have worked with the District Department of Transportation to have the on-street parking to the front of the subject property signed to permit 15 minute parking only between the hours of 7:00 a.m. and 9:30 a.m. and also between the hours of 4:30 p.m. and 6:00 p.m., and that the signs have been installed. The application indicates that children may not be picked-up or dropped-off between the hours of 9:30 a.m. and 3:30 p.m. Although there is some overlap between the hours that children may be picked up and the 15-minute parking restrictions, as no more than two vehicles per hour are expected to arrive at a time, this should not result in an objectionable traffic condition.

The width of the subject property, 78.51 feet, will allow for approximately 4 parallel parking spaces that can then be used by parents either picking up or dropping off children at the center. Four spaces should be sufficient as the application indicates that 85 percent of the current enrollment walks to the site, with only six children not walking, and that the number of vehicles arriving at the site for pick-up or drop-off is usually no more than two per hour.

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

The applicant has provided documentation that three off-site parking spaces will be available for use at Metropolitan Community Church. However, the application indicates that at most there will be a maximum of 18 staff members on-site at any one time, resulting in parking requirement of 5 spaces. The application indicates that five of the staff members are administrative, but does not indicate how many are for the child development center, if any. However, the application also indicates that seven staff members have parking permits to park at the Washington Apartments, located west of 5th Street. No documentation has been submitted supporting this parking arrangement. The applicant should revise the parking variance request accordingly and submit documentation that seven staff members are permitted to park at the Washington Apartments.

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, activity, visual, or other objectionable conditions.

The outdoor play space is to be located at the rear of the site, behind the building. A masonry wall is proposed to enclose the play space, and a planting area is proposed along the masonry wall where it abuts an adjoining property. The combination of the masonry wall and the plantings are proposed so as to absorb some of the sound generated from the outdoor play space before it reaches any neighboring properties. In addition, the location of the play space will no longer be directly adjacent to the sidewall of adjoining row

houses, as is the current situation, but adjacent to the rear yards instead, further reducing the impact the play space will have on adjoining 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 deems necessary to protect adjacent and nearby properties.*

The applicant has offered to appoint a liaison to the Mount Vernon Square Neighborhood Association to act as a point of contact for neighbors to discuss any concerns about the facility. The applicant has also requested that approval be for a period of ten years. A ten-year approval period will allow the applicant to be able to secure funding for the project and will allow the Board and the neighborhood the opportunity to review this case again in the future.

The applicant has also offered to develop a program to encourage employees of the child/elderly development center to make use of transit, which should have a positive effect on traffic generated to the site.

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.*

The application does not propose any off-site play areas.

205.8 *The Board may approve more than 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 application indicates that there is one other child development center within 1,000 feet of the subject property and that it is located 6th and N Street, N.W. and operated by First Rising Mount Zion Church. The applicant's proposal is not to establish a child development center, but rather to consolidate its existing operations. According to the application, these two centers have been operating within close proximity of each other for the past ten years. As a result, the continued operation of these two centers within 1,000 feet of each other should not have an adverse impact on the neighborhood due to traffic, noise, operations or other similar factors.

205.9 *Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

The D.C. Department of Transportation informed the Office of Planning by telephone on June 16, 2004 that they have no issues with the revised application. The **Department of Health, Child & Residential Care Facilities Division** (C&RCFD), in a memorandum

dated March 19, 2004, stated 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."*

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 of Columbia.

The **Department of Health, Child & Residential Care Facilities Division** (C&RCFD), in a memorandum dated March 19, 2004, stated 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."*

Special Exception pursuant to § 334, Community Service Center

The applicant is proposing to operate a community service center at the subject property between the hours of 9:00 a.m. and 7:00 p.m., with occasional parenting classes until 8:00 p.m. The staff will not exceed the equivalent of 8 full time positions. The following programs are proposed:

- Seniors: 7-10 seniors on average for recreational activities, and one meeting per month to review activities between 12:00 p.m. and 1:30 p.m.;
- Parenting Sessions: 2-5 parents per session, one or two nights a week, between 5:00 p.m. and 8:00 p.m.
- Emergency Food Assistance: Mondays, between 9:00 a.m. and 5:00 p.m.;
- Family Support: average 3 people per month (mostly by telephone), between 9:00 a.m. and 5:00 p.m.
- Advocacy: voicing opinions of the organization through email, letter and attending community meetings between the hours of 9:00 a.m. and 5:00 p.m.

334.1 A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

This application is a request for a community service center as a special exception within the R-4 Zone District.

334.2 A community service enter shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.

Although no off-street parking is proposed on the subject property, the applicant has permits for 7 staff members to park at Washington Apartments west of 5th Street.

The architect for the applicant has submitted a lighting plan that indicates that the lighting will be recessed and low-intensity. It will "*emit no glare, producing a soft flow that serves simply illuminate the lower portion of the building*". The courtyard will be illuminated by *"[w]all-mounted fixtures, mounted at a height of 4' and facing inwards."*

The applicant's architect has also submitted information regarding noise mitigation, indicating that a 6-foot high masonry wall will be provided on the sides of the outdoor play space that abuts neighboring properties and will act as a barrier. Sound will also be absorbed by the soft surface of plantings along the wall.

334.3 No structural changes shall be made except those required by other municipal laws or regulations.

The applicant proposes to remove the existing outmoded building so as to enable this existing use to continue to operate within a building that is in conformance with all required municipal laws and regulations.

334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

The use is reasonably necessary or convenient to the neighborhood in which it is located. Most of the children that attend the after-school program walk to and from the site. In addition, the applicant also makes available other services, such as parenting sessions, emergency food assistance, family support assistance and senior programs to the surrounding community.

334.5 A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

The applicant has submitted documentation indicating that the Northwest Settlement House is a non-profit organization.

RECOMMENDATIONS

The total number of employees within the building at any one time is 18. Three parking spaces have been made available to the child development center at Metropolitan Community Church at 5th and Ridge Street, which will accommodate 12 or 13 employees within the child development center. Additionally, there are 5 administrative employees that will serve the combined child development center and community service center. The application also indicates that there are 7 parking spaces that may be used at Washington Apartments on the west side of 5th Street, one-half block from the subject property. However, the application includes no documentation of these parking spaces and the applicant has not made application to the BZA to formalize the use of these parking spaces. Therefore, the applicant should document the total parking available to the two uses and request that the BZA recognize the use of these parking spaces as a part of the application's compliance with §§ 205.4 and 334.2.

The Office of Planning has reviewed the application in terms of the property's zoning, intensity of use, the character of the neighborhood and the standards for special exceptions. The Office of Planning has reviewed the special exception requests for the child/elderly development center and community service center, pursuant to §§ 205 and 334 of the Zoning Regulations, and concludes that the application meets the required tests and can be granted "*without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map*" (§ 3103.2), provided certain conditions are met.

Therefore, the Office of Planning recommends **APPROVAL** of the request to establish a child/elderly development center pursuant to § 205, and a community service center pursuant to § 334, subject to the following conditions:

1. That the applicant revise the variance to the off-street parking requirements to indicate that 18 is the total number of staff that could be in the building at any one time and that a total of 10 off-street parking spaces are sufficient and available to the child development center and the community service center so as to ensure that the proposed uses do not become objectionable to neighboring properties because of parking conditions.

2. That the applicant appoint a liaison to the Mount Vernon Square Neighborhood Association and to act as point of contact for neighbors to discuss any concerns about the Northwest Settlement House's operations.

3. Approval is for no more than 10 years.

4. The child/elderly development center shall not exceed 40 students at any given time.

5. The staff of the child/elderly development center shall not exceed the equivalent of 12 full time positions.

6. The hours of operation for the child/elderly development center shall be from 7:00 a.m. to 6:00 p.m.

7. The applicant shall develop a program to encourage employees and the child/elderly development center to use nearby Metrobus and Metrorail service.

8. The applicant shall abide by the existing DDOT regulatory parking signage in front of the building.

9. The applicant shall provide written instructions to parents, teachers and staff about utilizing the four (4) restricted spaces in front of the building and to drop-off and pick-up only from the south side of the street.

AA/sjm$_{AICP}$