GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: June 8, 2004

SUBJECT: BZA Case 17163 - Special Exception Request

APPLICATION-IN-BRIEF

The application by Amazing Life Games Pre-School, requests, pursuant to 11 DCMR Section 3104.1, a special exception to establish a Child Development Center as outlined in Section 205 of the Zoning Regulations.

The Amazing Life Games Pre-School propose to relocate from 1844 Mintwood Place, N.W., located at 1309 Farragut Street, N.W., (Square 2806, Lot 76).

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application is denied.

SITE AND AREA DESCRIPTION

The subject premises are in the northwest quadrant of the District, located in the Brightwood Neighborhood of Ward 4. Gallatin Street generally bounds the site to the north, Farragut Street is to the south, 13th Street is to the east and 14h Street is to the west. The subject property contains a vacant single-family detached dwelling that was constructed in 1920.

Detached residential dwellings are the predominant land uses in the Brightwood community. Other uses in proximity to the subject property include West Elementary School, which is at the western end of the 1300 block of Farragut Street, the Macedonia Church on the south side of the block, Maranatha Gospel Hall at the southwest corner of the block and Youth Organizations United to Rise (Y.O.U.R)., Community Center on the southwest corner of 14th & Farragut Streets.

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Commercial services for the subject area are to the east, along the Georgia Avenue Corridor. There is also an abundance of recreation/open space areas, and public/ institutional facilities location in the neighborhood, such as West Elementary School and the Hamilton Street playgrounds, the Kingsbury Center for children with special needs and the Macedonia Church.

BACKGROUND

The subject property presently contains a vacant two story with basement, single-family dwelling. The Amazing Life Games Pre-School, Inc., purchased the property in January 2004 with the intention of relocating a child development center from 1844 Mintwood Place, which is in the Adams Morgan neighborhood. The Adams Morgan neighborhood is approximately one and one half miles from the subject property. The existing center will be closed when the new center opens.

The applicant has operated a pre-school program in the District since 1972 and formerly leased space in a church at 16th & Taylor Streets. The school later moved to its present location at 1844 Mintwood Place, N. W.

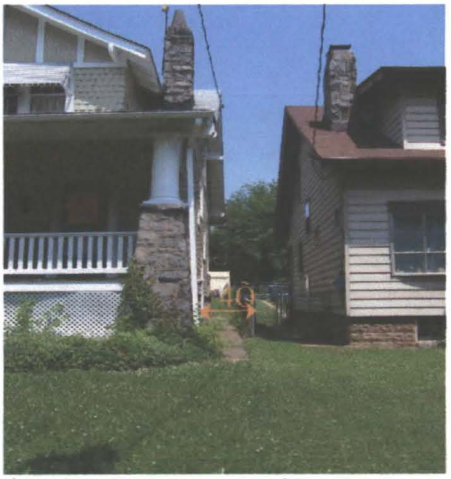
APPLICANT'S PROPOSAL

The proposed childcare center will be designed to accommodate 28 pre-schoolers and 4 staff members. The center will operate weekdays between the hours of 8:30 A.M. and 6:00 P.M. At approximately 10:00 A.M., the children get a snack and then walk to the nearby Hamilton Street Playground. When children return to the center they will eat lunch and play until approximately 12:30 P.M., when circle time starts. Some children will be picked up at 1:00 P.M. The afternoons are less active, including such activities as story telling, or indoor playing. A staff member takes some of the remaining children to the backyard to plant flowers or play. Children at the center for late afternoon recreation will use West Elementary School playground.

ZONING ANALYSIS

Pursuant to 11 DCMR §3104.1 the applicant is requesting a special exception, under Section 205 to allow a child development center in the R-1-B District.

The R-1 Districts is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.



East side of structure, 4 foot side yard

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area	**5,574**	**5,000**	**N/a**		-
Lot Width	40'	50'			-
Lot Occupancy	23.0 %		60%	23.0	-
Floor Area Ratio (FAR)	.50 FAR		None prescribed	.50	-
Parking Spaces		2		2	-
Front Yard	5'	None prescribed		5'	-
Rear Yard	85'	25'		85'	-
Side Yard	10' & 4'	8'		10' & 4'	-50.0%
Height	25'		40'	25'	

Section 405.1 of the Zoning Regulations requires the minimum width of each side yard to be 8 feet. There is 10 feet of side yard provided on the west side of the subject structure, but only 4 feet on the east side, which causes a deviation of fifty percent (50%)).

205 CHILD DEVELOPMENT CENTER (R-1)

201.1 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 chapter.

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

The subject dwelling will require minor interior renovations to meet the applicable District of Columbia code and licensing requirements for a child development center. The Department of Consumer and Regulatory Affairs will further review the application and it will require licensing by the Department of Health.

205.3 The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children.

The applicant is proposing to relocate the Preschool from its current location in the Adams Morgan neighborhood to the subject property, in the Brightwood Neighborhood. Because a majority of the children and all of the staff proposed to attend the new center will transfer from the existing Amazing Life Games Preschool, in Adams Morgan, there is concern about the impact of vehicular traffic at the subject center. The current preschool at 1844 Mintwood Place serves the residents of Adams Morgan. Some of the families live close enough to walk their children to the center, while others use carpool, bike, use public

transportation or drive. However, no professional detailed transportation analysis has been provided.

Most of the children that will attend the new center are already enrolled at the existing center and live in the Adams Morgan neighborhood. The entire operation, including the staff and students will be relocated to the subject site. Because a majority of the existing students and all of the staff that are proposed to attend the center are not residents of the neighborhood they will have to be transported to the new center. The new center will introduce new traffic into this community during arrival and departure times. The applicant has stated that some children will arrive by bicycle, which OP finds questionable due to the age of the children. Some parents will use Metro bus to get to and from the center, using major bus routes on 13th & 14th Streets. The applicant anticipates that a majority of the current students will attend the new facility even though the new school is approximately one and one-half miles from the existing facility and it is likely that most children will arrive and depart the center by passenger vehicle.

The applicant has stated that parents driving to the center will have to park and take the children into the center. Because of this the parents driving to the center will have to utilize public parking spaces.

OP notes that the house is not on a corner and there is no opportunity for on-site circulation. OP is very concerned that traffic will quickly back-up along the street causing objectionable traffic conditions to the neighbors and unsafe conditions for children.

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

According to Chapter 21 of the Zoning Regulations, community development centers are required to provide one parking space for each four teachers or other employees. The subject child development employs 4 teachers and other support staff, and is to providing 2 parking spaces in a rear-parking garage.



Two-car garage in the rear of dwelling

The number of parents, staff and volunteers that will drive to the new center, will increase the amount of vehicular traffic on the 1300 block of Farragut Street. This could have a negative impact on the residential character of the block and increase competition for parking spaces on the block. Many of the residents on the block are senior citizens and have become accustomed to parking as close to their homes as possible for health and safety reasons. The normal tranquility on the block, as it relate to parking is already disrupted on Tuesdays and Wednesday mornings respectively, when the street sweeper cleans the block. During the cleaning period, no parking is permitted on the side of the block being cleaned. Residents are forced to compete for parking spaces on clean-up days.

Although there are parking accommodations on the property (a two car garage) for the minimum number of required parking spaces (2), there is additional concern regarding where other staff, parents and visitors will park. There will be four (4) staff members that will operate the school, and because the school will function as a cooperative education institution, parents (typically, one or two) will participate in working with the children, including working in the classroom.

Additionally, there is a school zone parking restriction on the north side of Farragut Street, in the area of West Elementary School, which extends almost a half block, from 14th & Farragut Streets to the middle of the block. West Elementary School, on occasions hosts a number of functions and school activities. Attendees park in public parking spaces, when the parking lot is full. This further creates more competition for parking on the block. The two (2) churches on the block (Macedonia and Maranatha Gospel Hall) also contribute to parking issues, when special services (mostly funeral) are held.



Maranatha Gospel Hall, 13th & Farragut Streets



Macedonia Church, south side of block

205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact on adjacent or nearby properties due to noise or activity, or other objectionable conditions.



North south alley, between Farragut & Gallatin Streets

The applicant has not provided any plans to show the play area in the back yard. Further the applicant proposes to take the children to the Hamilton Street playground, which is approximately two and one half blocks north of the center, and the playground at West Elementary School, which is at the west end of the subject block. In order to access the

Hamilton Street playground, children accompanied by staff would use the 10-foot wide north south alley, cross Gallatin Street and proceed up to Hamilton Street to enter the playground. OP is concerned that the location is some distance from the center for small children to walk and the West Elementary playground is only available for use after the school close at 3:13 p.m. The alley which the applicant propose to use to access the off site playground are heavily traveled and residents compliant of speeding and drug activity in the alley. OP staff observed vehicles in the alley traveling at speeds above the limit, and others vehicles parked in the alley.



North south alley, between Gallatin & Hamilton Streets and the Hamilton Street Playground to right.

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.

The subject dwelling is typical of residential structures built of stone material pre-1958. The property has a deep back yard, and a 10-foot side yard on the west. Although there is only a 4-foot side yard on the east side of the property, there is no impediment to light and air to neighboring properties.

There is a chain link fence approximately 3-feet in height on the subject property that encloses both side yards and the rear yard of the subject property. The rear of the dwelling serves to complete the enclosure of the back yard. The adjoining properties on both sides have similar rear fences, and there are dogs in both yards. The applicant has offered to replace the chain link fence with a 6-foot privacy fence to ensure that when the children are in the back yard, there safety is insured.



3-foot Chain link fence on both sides and rear of property

If the Board approves the application, OP recommends that a 6-foot privacy fence be a

condition of approval to help mitigate noise and privacy.

205.7 Any off-site play area shall be located so as not to result in the endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

Children at the center will use the Hamilton Street Playground, (which is approximately two blocks north of the proposed center) for morning recreation. The playground at West Elementary School (which is on the subject block) will be used in the late afternoon. In order to access the Hamilton Street playground, children, (accompanied by staff) would use the north south alley system between Farragut and Hamilton Streets (approximately two blocks). There is some concern for the children's safety, because accordance to community residents, vehicles heavily uses the alley, and there is drug activity.

OP believes the playground to be too far from the center to be a "safe" walk for such small children. OP is also concerned that 28 pre-schoolers to four adults is a high ratio for such a long walk.

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 effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

There is concern in the community regarding the amount of traffic and noise generated on the 1300 block of Farragut Street by existing neighborhood public facilities. There are several community related centers on the subject Square 2806. The Kingsbury Center, which is on the west side of 14th Street at Farragut, is a school for students with special needs. The Y.O.U.R. Community Center, on the southeast corner of 14th and Farragut Streets, offers both before and after care for children between the ages of 4 and 12 years of age. West Elementary School, on the northeast corner on 14th & Farragut Streets, has a Pre-K Program.

Accordance to the 2000 Census Ward 4 has the largest population of elderly residents, when compared to all other wards in the city. In Census Block Group Four, which contain Census Tract 20.02 (the subject tract), 208 households or 63% of all households were occupied by persons between 45 and 85 years of age. By contrast, there were only 3 residents in the subject block group, whose age was between one and 6 years of age.

Based on the limited information provided and the mid-block location of the house, OP does not recommend this center be approved.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

No. The requested special exception will not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Public and institutional uses on the block and the possible introduction of another facility could overwhelm the residential character of the block. Another such facility on the block would be considered overburdening by the community.

Will the special exceptions tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps?

Yes. OP believes that the proposed use will have an adverse impact on neighboring property due to noise, traffic and parking. The residential character of the 1300 block of Farragut Street is already threaten by a number of non-residential facilities, including an elementary school, two youth oriented centers and two churches. A majority of the population on the block, as well as in the surrounding area, consists of those 65 and over. Yet many of the public services provided are geared toward youth.

COMMUNITY COMMENTS

At its February 10, 2004 ANC4C reviewed the application and adopted a resolution to oppose the application, because there was a proliferation of schools and other day care facilities on the 1300 block of Farragut Street. ANC4C recommended that Amazing Life Games Preschool find an alternative location within the community.

A petition was circulated in ANC4C02, on which approximately 25 residents signed in opposition to any additional facility at 1309 Farragut Street. Residents stated that they were confronted daily with issues of parking and heavy traffic.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by the Amazing Life Games Pre-School, requesting a special exception to operate a child development center, in a R-1-B District, the Office of Planning recommends that the Board deny the application. OP finds that the applicant has not satisfactorily met all the tests specified in Sections 3104.1, and 205, and that the requested special exception will not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and that if granted, the special exception will tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.



Legend

1,000 foot Buffer

N

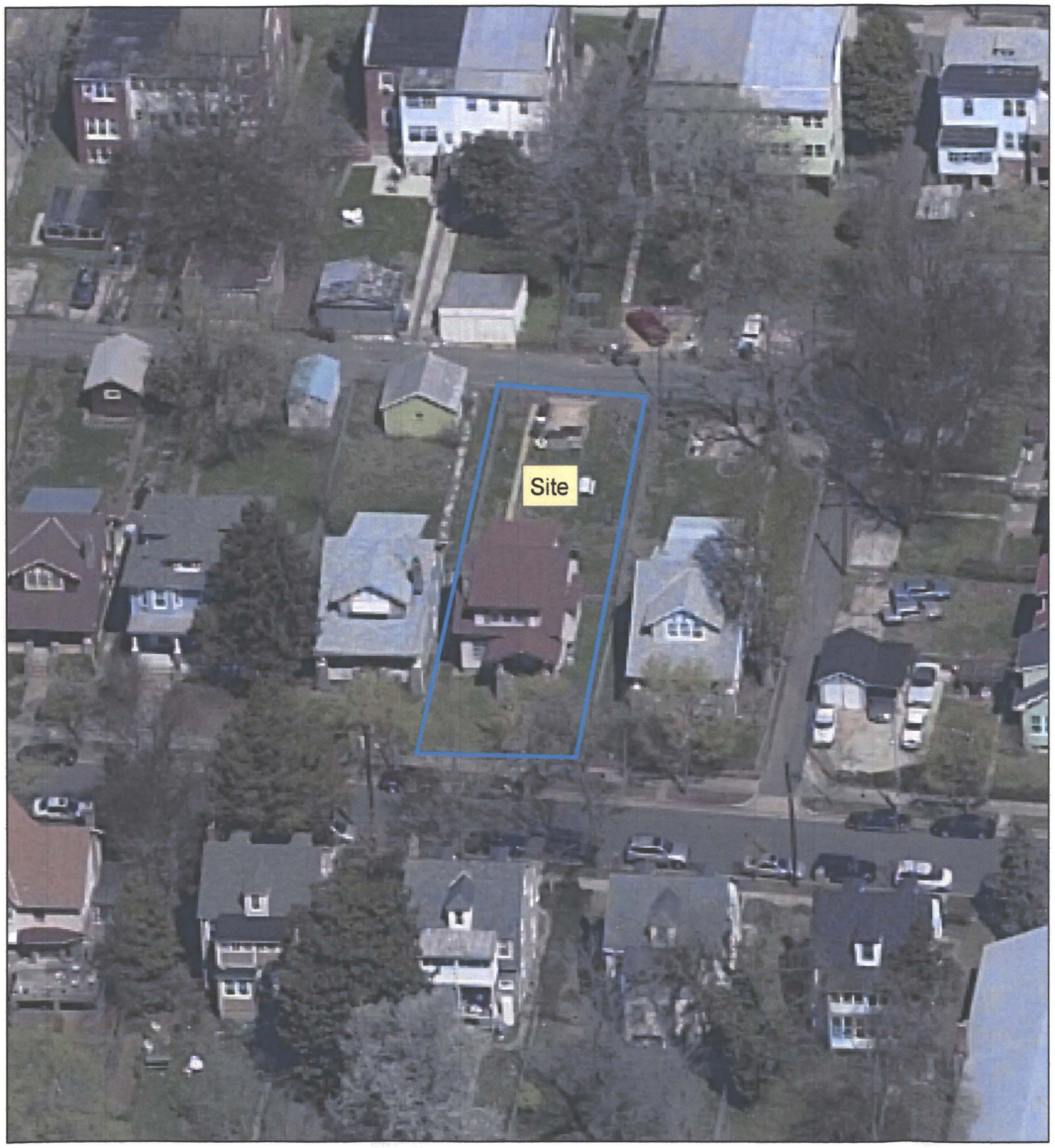
Feet

0 100 200 300

BZA Application - 17075
1417 17th Street, N.W.

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

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BZA Application - 17163
Special Exception, Child Development Center
1400 16th Street, N.W.

Feet
0 20 40

Office of Planning – May 6, 2004

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