BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

IN RE: Application of Amazing Life Games Pre-School Incorporated for special exception pursuant to Section 205 to operate a Child Development Center within the R-1-B Zoning District.

Subject Property:

Lot 76, Square 2806
1309 Farragut Street, N.W.

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Dated: March 4, 2004

BZA Application No. 17163

BZA
Case No. 17163
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 17163
EXHIBIT NO. 3

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D. Application for Special Exception and Variance Relief

Amazing Life Games Pre-School Inc. (the"Applicant"), the fee owner of 1309 Farragut Street, N.W. (Lot 76, Square 2806) (the "subject property") hereby makes application to the District of Columbia Board of Zoning Adjustment (the "Board") for a special exception pursuant to § 205 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003) (the "Zoning Regulations") to permit the operation of a child development center in an R-1-B Zoning District.

1. Statement of Existing and Proposed Use

The subject property is presently a vacant, single-family home sited on a lot containing 5,574 square feet of land which was purchased by the Applicant in January 2004. The lot conforms in all material respects with the requirements of the Zoning Regulations for the R-1-B zoning district with the exception of one side yard which is less than eight feet in width and a lot which is narrower than the 50' width required in the R-1-B zoning district.

The Applicant proposes to operate in the subject property as a child development center for a maximum of 28 children.

2. Site and Surrounding Area Description

The subject property is a residential, detached structure typical of the other lots in Square 2806, the majority of which are improved by single-family homes. The exception is the West

Elementary School, a District of Columbia public school located at the western end of the 1300-block of Farragut Street. Square 2806 is located almost in the middle of a 20-square block area of R-1-B zoning lying between Kennedy Street to the north, Georgia Avenue to the east, Rock Creek Park to the west and Decatur Street to the south. In Square 2807 to the south of the subject property, there are two churches and one youth center: Macedonia Church of God in Christ, located in the middle of the south side of the 1300-block of Farragut Street (which is actually located in a detached single-family structure), Maranatha Gospel Hall at the southwest corner of 13th & Farragut Streets and Y.O.U.R. Community Center on the southeast corner of 14th & Farragut Streets.

3. Applicant's Operating History

The Applicant is a District of Columbia nonprofit corporation, which was incorporated in 1974. Since 1972, the Applicant has continuously operated a pre-school in the District of Columbia in leased facilities. The Applicant acquired the subject property as a means of taking a greater measure of control over its costs and to have a facility that was suitably sized and designed for its use. To more fully describe the philosophy, operating methods and regulatory compliance of the Applicant's proposed school at the subject property, we have attached hereto: (i) a letter from the Applicant's Director to

the members of Advisory Neighborhood Commission 4C, dated February 27, 2004, explaining the way in which it would conduct its pre-school at the subject property (Exhibit 6); and (ii) a copy of the brochure utilized by Applicant to inform parents of the educational and social opportunities offered by the pre-school (Exhibit 7).

4. Basis for Special Exception Relief

Section 205 of the Zoning Regulations provides that a child development center shall be permitted in an R-1 zoning district, provided that it meets the specific conditions set forth in §§ 205.2 to 205.10. The Applicant's response to those particular conditions within its direct control are set forth below.

Licensing Code Requirements (§§ 205.2 and 205.10). The subject property requires only minor interior renovation to meet the applicable code and licensing requirements which govern child development centers. The Applicant will create a dedicated, fire-rated stairway from the second floor leading to an exit door with emergency lighting, equip a bathroom in the first floor, and install fire suppression equipment in the kitchen. There is no need to enlarge the building envelope.[1] Under the formula adopted by the licensing agency for determining student capacity,

[1]In fact, because the subject property has a nonconforming side yard on the east side that is only 4 feet wide, § 405.8 of the Zoning Regulations may preclude any future enlargement of the building envelope.

the subject property contains at least 980 square feet of program space, thus permitting 28 pre-school students. See Exhibit 5 for the floor layout of the proposed pre-school facility.

Traffic Conditions (§205.3). Farragut Street is a lightly traveled neighborhood street carrying primarily local traffic originating in and terminating in the neighborhood. There is ample on-street parking during the hours in which the pre-school will be operational. The subject property is also convenient to public transportation provided by Metrobus routes on 13th Street, 14th Street, 16th Street and Georgia Avenue.

Staff and Visitor Parking (§ 205.4). Section 2101.1 of the Zoning Regulations requires that a child development center provide one parking space for every four (4) teachers and other employees. There are four (4) staff members present at the pre-school, but because the Applicant functions as a cooperative educational institution, parents also participate in working with the children and in classroom activities. Typically, one or two parents are involved on a daily basis. The subject property has a two-car garage with access to the 20-foot public alley at the rear of the property and these two off-street parking spaces meet the parking requirements of § 2101.1. In addition, the Applicant believes that there is an adequate supply of on-street parking along Farragut Street to meet the needs of occasional visitors.

Convenient Outdoor Play Space (§§ 205.5 and 205.7). There are two off-site play area options, which are conveniently located: (1) the Hamilton Street playground in the 1300-block of Hamilton Street is less than two blocks away from the subject property and requires crossing only one street, and (2) the West Elementary School playground at 1338 Farragut Street. The location of the play-areas in relation to the subject property is shown on Exhibit 6.

In addition, the rear yard at the subject property contains over 2,000 square feet of open ground between the principal structure and the garage, which can be used for recreation and is more than adequate under the child development center guidelines which call for 60 square feet of play area per child; however, the applicant does not intend to use the rear yard for open play by the children, but rather for structured activities, such as gardening, etc. This limitation on the use of the rear yard will also mitigate concerns about the potential for noise from children at active play.

Other CDC Facilities (§ 205.8). There are no other child/elderly development centers within the square in which the subject property is located (Square 2806) or within 1,000 feet of the subject property. The nearest child development centers or pre-schools to the subject property are: The Ideal School, 1501 Gallatin Street, N.W. (.26 miles), Community Academy Urban Family

Institute at 1300 Allison Street, N.W. (.40 miles) and Eagle Child Care Center, 4513 13th Street, N.W. (.38 miles). The Applicant notes that in the records of the Board of Zoning Adjustment, there was a special exception approval for a child development center at 1321 Emerson Street, N.W. (Lot 11, Square 2807) in No. 15724, which was granted in 1992. To the best of Applicant's knowledge and after making appropriate inquiry at the D.C. Department of Consumer and Regulatory Affairs and a visual inspection and visit, the property is not currently being operated as a child development center. When asked by the Applicant, the next door neighbor confirmed that the child development center at 1321 Emerson Street had indeed gone out of business five years previously.

The Applicant foresees no adverse impact from the opening of the new facility in the neighborhood and believes firmly that sufficient demand exists for a conveniently located, experienced pre-school services provider.

In addition to the specific requirements of § 205 pertaining to child development centers, any special exception application must also satisfy the general standard for this type of zoning relief: (i) that such relief will be in harmony with the general purpose and intent of the Zoning Regulations and (ii) that such relief will not adversely affect the use of neighboring property. The Housing Elements of the District of Columbia Comprehensive

Plan, adopted in 1984, recognize that planning a total urban living system requires that housing, transportation, shopping, employment opportunities and proximity to public amenities all be integrated whenever possible. More directly, the Comprehensive Plan insists that the achievement of the District's housing goals must also include zoning and health care regulation actions that support an increase in the development of affordable child care programs and facilities within residential areas. 10 DCMR *Planning & Development* §§ 300.11 and 300.12 (August 1995). In 10 DCMR § 305.2(q), the District's goal is set forth more explicitly to "achieve adequate child care facilities by allowing the establishment of new or the expansion of existing child care facilities in residential and mixed use areas..." See, Ward 4 Plan, 10 DCMR § 1529.1 (i) for similar instruction. However, the Ward 4 Plan expressly noted the potential for adverse impacts on settled, residential communities "from growing non-residential uses, such as churches, day care centers and other institutional uses". The recommendation of the Office of Planning in response to this concern was to ensure that such institutional uses met and adhered to all applicable regulations regarding traffic, parking and safety, bulk, density and height, and other code enforcement and inspection issues. Clearly, the concern is with the loss of residential character, which can and should be mitigated.

The Applicant proposes to make no exterior change to the subject property, visible from the street, that is not in keeping with a residential use typical in the R-1-B zoning district. Any signage would be restricted to a small plaque by the front door complying in all respects with the applicable sign regulations.

The instant application is clearly in furtherance of the District's articulated housing goals and will be an important amenity for the residents of the community. The Applicant can foresee no detrimental effect on the surrounding residential properties arising from the operation of its pre-school.

E. Conclusion

Based upon the foregoing discussion, the Applicant requests that the Board grant the special exception under § 205.1 of the Zoning Regulations to operate the proposed child development center with a capacity of 28 children.

Respectfully submitted,

JORDAN & KEYS, LLP

By: George R. Keys, Jr.
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