GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING

RECEIVED
D.C. OFFICE OF ZONING
2005 JAN 18 AM 10: 43

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: January 18, 2005

SUBJECT: BZA Application #17273
The Darrell Green Learning Center

APPLICATION

Application of The Darrell Green Youth Life Foundation, pursuant to 11 DCMR § 3104.1, for a special exception to establish a private school (Youth Learning Center and ancillary office - 40 students and 3 staff) under section 206, or in the alternative a special exception for a child development center under section 205, in the R-5-A District at premises 2629 Douglas Road, S.E. (Square 5871, Lot 147).

The application form cites Section 205, Child Development Center. However, the Zoning Administration referral cites Section 206, Private Schools. Based on the definition of a child/elderly development center as outlined in Section 199, and the programming of the proposed Darrell Green Learning Center, OP believes that the relevant provisions for special exception review are prescribed under Section 205.

RECOMMENDATION

OP recommends **approval** of a special exception request by the Darrell Green Youth Life Foundation for the establishment of a child development center under Section 205 at the Washington View Apartments at 2629 Douglas Road, S.E.

SITE AND AREA DESCRIPTION

The proposed center would be located at the Washington View Apartments in the Stanton Neighborhood in the southeast quadrant of the District. The apartments occupy Square 5871. The square is bound by Stanton Road, Douglas Road and Douglas Place. Bryant Place runs east to west at the north of Lot 147 where the apartments are located. The property is located in the

BZA
Case No. 17273
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17273
EXHIBIT NO. 28

R-5-A zone district, which is characteristic of mid-rise multi-family residences. The square also abuts R-3, R-4 and C-1 zones in its immediate vicinity.

ANALYSIS

Operation of the Center

The Youth Learning Center is proposed to occupy rooms in the basement level of the 30-unit apartment. Three permanent staff persons, including a Learning Center Director, an Administrative Assistant and an educator will staff the center. According to the applicant, the center will use volunteers from the community for some activities during its summer program.

The center would operate during the school year, Monday through Friday, from 3:00 p.m. to 7:00 p.m., with its summer program on Mondays through Thursdays from 9:00 a.m. to 3 p.m. Programming of the center includes homework assistance for students, character development and other family oriented services. According to the applicant, program enrollment is on a first come first served basis and will be limited to the residents of the Washington View Apartments. Weekday hours will cater to after school care for approximately forty (40) students ages 15 and under.

The submitted floor plan assigns four rooms for the center's use, including an office space, library, classroom and computer room. The Center and Washington View Apartments will share two multipurpose rooms. A separate entrance and lobby area of the building has been designated as the center's main entrance.

Children who attend the center would be provided access to the apartment building's outdoor play area. The building has ample parking, which exceeds the required number for this center according to 11 DCMR Section 2101.1: 1 space for each of 4 teachers and other employees. There is ample on-street parking in the immediate vicinity of the apartments. Since the majority of the program attendees would reside at the Washington View Apartments, no adverse impact due to traffic is anticipated.

Section 199 of the Zoning Regulations defines a child/elderly development center as follows:

A building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling, or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training, and health and social services for the parents or principal guardians of children attending the center.

OP compared the programming and operation of the proposed Darrell Green Learning Center with the definition of a child/elderly development center as outlined and determined that the relevant provisions for special exception review are prescribed under Section 205.

SECTION 205

The subject site is zoned R-5-A and the Board of Zoning Adjustment is authorized to grant special exceptions to allow child development centers in residential districts. The application must be harmony with the intent of the Zoning Regulations and Maps and should not adversely affect the use of neighboring property, subject to the special conditions specified in Sections 205 as follows:

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

If the application for the special exception is approved, the proposal will be further reviewed by the Department of Health and DCRA prior to obtaining its Certificate of Occupancy to operate the child development center. However, **29 DCMR 300.3** (d) states "... the provisions of this chapter shall not apply to ...child development centers providing only a before or after school child development program." Therefore, OP believes the center may be exempt from licensing requirements. The applicant will verify this requirement at the Board hearing.

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 center will operate between 3:00 p.m. and 7:00 p.m. Drop-off and pick-up of children at the center will not add to or impact traffic movements to and from the center at these times. OP does not believe that traffic problems or unsafe conditions will be created since the majority of attendees reside in the apartments. The existing parking lot for the apartment building is safe for drop-off and pick-up for any attendee who may not reside in the apartment building. Further, the center is located in the basement area, which has its own entrance and would not conflict with the residential traffic of the apartment building. Therefore, OP does not believe the center's operation and location would create objectionable traffic conditions for pick-up or drop off of children.

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

Section 2101 of the Zoning Regulations requires 1 parking space per 4 teachers and other employees. The childcare center will have a total staff of three (3) full-time persons and therefore one (1) parking space is required. OP observed that the apartment complex has ample on-site parking spaces and was informed by the applicant that the apartment's management has no objection to the parking requirement for staff at the center. Additionally, there is unrestricted on-street parking available for use by visitors to the center.

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 play area of the proposed facility is located to the rear of the building. A wrought iron fence on all sides fences the area. The play area would be accessed by a lower level (basement) door and stairway located to the rear of the building.

The existing play area is not visually objectionable. All play activities will be supervised. For these reasons the impact of noise or activity from the center will have minimal impact on adjacent properties. OP recommends that the applicant restrict the hours of outdoor play to begin no earlier than 9:00 am during the summer program to minimize the noise impact of the play area on residents.

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirement as it shall deem necessary to protect adjacent and nearby properties.

Since the center would operate as a tenant of the apartment building, the existing appearance of the building will not be changed and will continue to present the appearance and sense of the residential community. Therefore, no additional screening of the building is necessary. The center's location in the basement area of the building ensures that there would be minimal visual impact on adjacent properties and therefore special screening would not be necessary.

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 location of the building's play area avoids pedestrian/vehicle conflicts, since there is direct access to the play area from the apartment building. In addition, the applicant has stated that the regular program does not include physical activities and summer programs at this location would not include physical activity beyond what is provided on site at the play area. Therefore, OP does not believe there would be endangerment to attendees of the center in traveling between the on-site play area and the classrooms in the building.

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.

OP does not believe that the activities of this center will contribute to adverse impacts on the neighborhood due to a cumulative effect of similar facilities in the neighborhood. This would be primarily a before/after school care program with limited hours and student capacity. OP notes for the record that a list of child development centers provided by DOH indicated that there were no registered centers within the square or within a 1000 feet radius of the proposed center. Thus, there would be no cumulative effect of increased noise and traffic on the neighborhood due to combined operations of other centers. The operation of the center would be designed to serve the immediate residents of the Washington View Apartments, thereby reducing an adverse impact on the neighborhood due to drop off/pick up traffic by other neighborhood residents.

Section 3104.1

The standard by which the BZA should approve a special exception is set forth in Section 3104.1 of the Zoning Regulations. The following demonstrates how the proposed child development center has met these standards:

> ***. . . special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.***

OP believes that due to the limited program and enrollment capacity at this location, the center would not create adverse impacts on the immediate neighborhood. The center would provide a much needed service for residents of the apartment building. The intent of the R-5-A zone as mapped in this area will not be jeopardized, as the proposed child development center is a use permitted by special exception, subject to review approval by the BZA. Therefore, the intent, purpose, and integrity of the Zoning Regulations and Map will be maintained.

AGENCY COMMENTS

According to the Department of Transportation, the proposed child development center would have no significant impact on local traffic or parking. Site visits by OP indicated ample available on-street parking.

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 8A will hear the applicant's proposal at its regularly scheduled meeting on January 4, 2005.

SUMMARY AND RECOMMENDATION

The proposed special exception for the childcare center will be an asset, as it will provide a needed service to parents in the community. The proposed location and hours of operation will not negatively impact the neighborhood due to additional noise or traffic. As demonstrated above, the application meets the standards set out in Section 205 for approval of a special exception. Additionally, the center will be in harmony with the purpose and intent of the Zoning Regulations and the Zoning Map and will not adversely affect the surrounding neighborhood.

Based on these facts, the Office of Planning recommends that the Board of Zoning Adjustment **approve** the requested special exception with the condition that summer outdoor play begin no earlier than 9 am.