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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Interim Director

DATE: June 21, 2005

SUBJECT: **BZA Application No. 17338**
5100 E Street, S.E.

APPLICATION

This application filed by Little Samaritan Child Development Center, pursuant to 11DCMR 3104, requests a special exception to allow an increase in the number of children and staff from 15 children and 4 staff to 50 children and 16 staff under Section 205, in the R-5-A District.

After reviewing the application OP realized that the applicant did not meet the parking requirements and therefore a variance is required.

RECOMMENDATION IN BRIEF

The Office of Planning recommends **Approval** of the special exception application to increase the number of students and staff. OP further recommends the applicant be granted a variance from the off-street parking requirements (4 spaces) under Section 2100 of the Zoning Regulations.

SITE AND AREA DESCRIPTION

The subject property is in the Marshall Heights Neighborhood of Ward 7, located at 5100 E Street, S.E., Square 5315, Lot 16. The Marshall Heights neighborhood is predominantly developed with residential use and in particular, row houses and garden apartments. There are also some low density semi-detached and detached housing in the neighborhood. Drake Place generally bounds the site to the north, E Street to the south, 53rd Street to the east and 51st Street to the west.

BZA
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Exhibit No. 23

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EXHIBIT NO. 23

The church was constructed in 1934 and consists of a sanctuary and the subject Little Samaritan Child Development Center 11, which is in an adjoining structure on the east side. The child development center has been operating since 2003. There are separate entrances for the church and the center.

The subject property is at the intersection of 51st and E Streets southeast of the former Eastgate Public housing property, which is to be redeveloped with 170-180 dwelling units in a combination of market rate and affordable homes for rent as well as for sale. The applicant anticipates that some residents at Eastgate will need convenient childcare services. (See Aerial Oblique Photo)

The Good Samaritan Community Development Corporation, Inc. (GSCDC) operates another child development center at 5111 E Street directly across E Street from Little Samaritan Child Development Center 11.

PROPOSAL

The applicant proposes to increase the number of children at the existing Little Samaritan Child Development Center from the current fifteen children and four staff, to fifty children, and fifteen staff. The hours of operation would continue to be Monday through Friday 7:00 a.m. and 6:00 p.m.



Main Sanctuary

The applicant has obtained permission from the host church to use the main sanctuary to address the need for more space to accommodate additional children and staff. There is a hallway at the front of the structure that connects the two buildings. All of the service areas in the center, i.e. bathroom stalls, storage area, kitchen, work and play areas, will be modified to accommodate the increase in children and staff.

ZONING REQUIREMENTS

The property is within the R-5-A District, which is "*a general residence district designed to permit flexibility of design by permitting in a single district, all types of urban residential development if they conform to height, density and area requirements established for these district under Chapter 4 of title 11 DCMR.*" (§350.1)

ANALYSIS

Child development centers are permitted by special exception in the R-5-A District, if they can meet the requirements in § 205 of the Zoning Regulations. Special Exception uses are considered compatible with the underlining uses in a particular zone district, but which must be reviewed by the Board of Zoning Adjustment to ensure that

negative impacts do not occur.

205 Child/Elderly Development Centers

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.

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

The Department of Consumer and regulatory Affairs (DCRA) will review the proposal. The Department of Health, (DOH) Child and Residential Care Facilities Division supports the proposed increases in students and staff at the center. DOH has already forwarded a memorandum to the Office of Zoning, recommending the subject application be approved, as it meets the requirements for licensing.

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 or elderly persons.

Most of the children currently attending the center live within walking distance of the site and the applicant anticipates that the increase in students will also be from the neighborhood. Consequently, vehicular traffic in the area generated by drop off and pick up at the center is minimal. The applicant has a drop off/pick up plan in order to ensure the safety of children arriving or departing the center by private transportation. OP referred the application to the District Division of Transportation for analysis.

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

§ 2101.1 of the Zoning Regulations requires a child development center to provide one parking space for each four teachers and other employees. Accordingly, the applicant is responsible for providing four on-site parking spaces. The applicant cannot meet the on-site parking requirement because improvements occupy nearly all of the lot. The only space that could accommodate any parking spaces is to the rear of the child development center, but it is too small to accommodate the required four parking spaces and it has no access from the street. Therefore, a variance from the on-site parking requirement is necessary. (See Aerial Oblique Photo)

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

There is a fenced outdoor play area on the grounds of Little Samaritan 1, which children from both centers will share. Recreation times are coordinated between the two centers and are scheduled twice daily.



Play Area at Little Samaritan 1

Minimal noise will be generated when the children are on the playground, there will be noise generated, but not to the level of objectionable impact on adjacent neighbors. To the east of the play area is a vacant lot and a residential. There are vacant lots on the east and west sides of the play area. There is a residential structure beyond vacant lot on the east side, but it is more than one hundred feet from the play area. The church/ Little Samaritan II and a single-family detached structure are on the north side of the block, more than fifty feet from the play area.

There are two twelve-unit apartment buildings in the rear of the play area that front on F Street. Sound generated in the play area will be in range of the units at the rear of the buildings, but staff chaperons will monitor sound levels.

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.

There is some landscaping in front of the subject building, however the church and the child care center covers nearly all of the property. Further, the play area at Little Samaritan 1 is fenced.

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.

Center staff will manage the safety of children walking between the center and the off-site play area. The play area is accessible without the children having to cross a major arterial or busy intersection. There will be adequate adult staff chaperons' accompanying the children to and from trips to the playground and they will be supervised while they are there.

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.

The subject child development center is within 1,000 feet of another center. The Little Samaritan I Child Development Center is located across E Street, within 100 feet of the subject center. The Good Samaritan Community Development Corporation, Inc operates both facilities, and some functions are shared.

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 Map?

Child development centers are permitted by special exception in the R-5-A District, if they can meet the requirements in Section 205 of the Zoning Regulations. Special exception uses are uses considered compatible with the underlining uses in a particular zone district, but which the Board must review. This application is consistent with the standards of Section 205 of the Zoning Regulations. Further, Comprehensive Plan objective support the establishment of new or the expansion of existing childcare centers in residential areas.

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

The predominant land use in the subject area is moderate density row housing and multi-family dwellings. In addition, the proposed center has board community support, including the property owner next to the center and residents of the apartment to the rear of the center.

VARIANCE

The applicant needs a variance from the requirements of Section 2101.1 because it does not meet the on-site parking requirements.

Is the property unique due to exceptional narrowness, shallowness, or shape at the time the original Zoning Regulations were adopted?

The building configuration of the Good Samaritan Baptist Church on the subject lot creates an exceptional situation that prevents the property from being used to meet the on-site parking requirements under Section 2101.1 of the Zoning Regulations. The subject property was improved in 1934, before the current Zoning Regulations were adopted.

Will the uniqueness result in peculiar and exceptional practical difficulties to the owner?

§2101.1, the applicant is required to provide one on-site parking space for each 4 teachers and other employees. That is not possible because the church and the adjoining childcare

center occupy nearly all of the subject lot. The rear of the lot could accommodate approximately two of the required on-site parking spaces, but there is no access to that area of the lot from the front of the property or from the alley. It would result in exceptional practical difficulties to the owner of the property, if the applicant could not get relief from the on-site parking requirements.

Will the variance substantially impair the intent purpose and integrity of the zone plan?

There are adequate parking spaces near the center on both 51st and E Streets to accommodate center staff, visitors and parents who drop off and pick up children without conflicts with neighboring properties, because of traffic problems resulting from the center-generated traffic or use of public parking spaces.



Public Parking Opportunities Southeast Intersection of 51st & E Streets

COMPREHENSIVE PLAN

Comprehensive Plan Category: The Comprehensive Plan Generalized Land Use Map identifies the site as being in the moderate-density residential land use category. Row housing and garden apartments are the predominant uses, although low-density housing may also be included.

Childcare facilities is mentioned as an objective under Section 1829 Ward 7 Objectives for Land use/Zoning:

Section 1829.1 (f): Provide for the adequate supply of child care facilities by allowing the establishment of new or expansion of existing child care facilities in residential and mixed use areas.

This objective is designated to increase childcare facilities in sections of the city with needs for such services, when services can be provided with little adverse impact on residential uses. The proposed increase in load at the subject center meets the intent of the Ward 7 Plan, and is consistence with the Zoning Regulations.

COMMUNITY COMMENTS

The application will be presented to ANC 7E at its monthly meeting, to be held on June 14, 2005. The applicant has discussed the application with ANC 7E05 Single member district representative.

District Division of Transportation (DDOT)

DDOT staff has indicated in conversations with staff that there is no objection to the application. However, DDOT will provide a separate report to the Board.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by the Little Samaritan Child Development Center, requesting a special exception to increase the number of children at an existing child development center, in a R-5-A District, the Office of Planning recommends that the Board **approve** the application. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 205 and concluded the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Office of Planning further recommends the applicant be granted a variance from the on-site parking requirements under Section 2101.1 of the Zoning Regulations.



Aerial Oblique Photos
BZA Application
17338

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

Office of Planning ~ March 24, 2005

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