

BOARD OF ZONING ADJUSTMENT

District of Columbia

District of Columbia Office of Planning

CASE NO. 17950

EXHIBIT NO. 23



MEMORANDUM

TO: J District Board of Zoning Adjustment

FROM: J Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: J July 14, 2009

SUBJECT: BZA Case Number 17950: Request for special exception (§§ 205 and 3104) to operate a child development center at 2420 Rhode Island Avenue, NE.

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval**, of the application's request for a special exception pursuant to §§ 205 and 3104 to permit a child development center use.

OP also informed the applicant that the proposed off-site parking must satisfy §2116.5, which requires parking spaces accessory to any building or structure to be located on the lot, or elsewhere in accordance with the provisions §§2116.6 through 2116.9. OP believes that the application generally satisfies these requirements.

II. APPLICATION IN BRIEF

The McKendree-Simms-Brookland United Methodist Church (the "Applicant") requests special exception relief to operate a child development center in an existing building owned by the Applicant at 2420 Rhode Island Avenue NE. The Applicant seeks to operate a child development center with 60 students, ages 2 ½ years to 5 years, and 12 staff. The center would operate between the hours of 6:00 am to 6:00 pm, Monday through Friday. Parking would be provided off-site at a 30-space parking lot located on Hoover Street, NE, within 200 feet (curb to curb) of the subject property. The parking lot is also owned by the church. No building expansion is proposed.

The applicant subsequently revised the application to include special exception relief to provide parking for the center off-site.

III. SITE DESCRIPTION

The all brick structure has been used for educational purposes for more than 30 years. The second floor of the building is currently vacant. The church's office occupies the first floor with a staff of one.

HISTORY OF PROPERTY

On December 16, 1969, the BZA approved a special exception for the New City Montessori School for 90 students with conditions that attendees live within a 10-block radius of the school; the number of students attending classes at any one time be limited to 45; and that the permit be granted for a period of 3 years (BZA 10264). A Certificate of Occupancy for this school was granted on February 2, 1970 and expired on February 2, 1973. The school continued to operate past that time and closed in December 1999.

No special exception was requested or granted for a school which operated at this location for a number of years except between December 1999 and October 2000. Records show that a Certificate of Occupancy to operate the William Bishop Educational Center (owned by the school) was granted October 5, 2000 and had 15 students enrolled.

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In 2001, the Board approved an application for an elementary school for 40 students and 7 staff under Section 206; and a child development center for 20 children and 4 staff with variance relief from the parking requirements (BZA 16723).



IV. AREA DESCRIPTION

Square 4290 predominately consist of single family detached homes and church properties. The church owns the majority of properties in the small square except the property which abuts the subject site to the east, at 2430 Rhode Island Avenue, NE. The square is bound by South Dakota Avenue to the west, Lawrence Street to the north, Hoover Street to the east and Rhode Island Avenue to the south. The surrounding neighborhood consists of single family detached homes along Rhode Island Avenue and South Dakota Avenue. In addition to the educational center, the church owns a number of properties in this square such as the houses at 2408 Rhode Island Avenue, 3309 South Dakota Avenue, 2411 and 2420 Lawrence Street, the playground at the intersection of Lawrence Street and Hoover Road and the parking lot on Hoover Road.



V. PROPOSED USE

Based on conversations with the applicant's representative, OP understands that the center would have 60 students and 12 staff, with children between the ages of 2 1/2 years old to 5 year olds (1st grade). The center would operate between 6:00 a.m. and 6:00 p.m. Monday through Friday. Recreation space for the children would be provided by an existing park on Lawrence Street NE, opposite the center, which is also the church's property. Parking would be provided on a lot on Hoover Street, NE, also owned by the church.

VI. REQUESTED RELIEF

The subject site is located within the R-1-B district. The child development center is a permitted use that requires Board of Zoning Adjustment approval under Section 205. In addition, parking location relief is required under Section 2101.1.

(1) Section 205

205 CHILD/ELDERLY DEVELOPMENT CENTERS (R-1)

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 application was forwarded to the DC Office of the State Superintendent of Education (OSSE). OSSE issued a letter of recommendation to the Board. The applicant's license review would begin upon BZA approval of this application. The Department of Consumer and Regulatory Affairs (DCRA) has issued a

temporary certificate of occupancy due to expire on August 31, 2009, pending approval of this special exception request (CO0901664).

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 site has functioned as an educational facility for the past 39 years and has largely catered to District children. The subject property fronts on Rhode Island Avenue, a busy arterial in the District. It is not envisioned that any traffic problems will be created by the proposed child development center. DDOT has indicated no concerns with this application.

Lawrence Street, at the rear of the property is a 2-lane roadway with very light traffic. Drop-off and pick-up of children will be at the rear of the building along Lawrence Street for the children's safety and to preclude blocking traffic. Parents should be informed not to block the driveways of the homes along Lawrence Street. In order not to block access to or from adjacent residences, parents may park along Lawrence Street and along the public alley for short periods. The applicant has also indicated that priority would be given to parents within walking distance of the center in order to reduce the vehicle traffic in the neighborhood.

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 child development center will have a total staff of 12 teachers and therefore 3 parking spaces are required. The applicant is unable to accommodate parking on the subject property and special exception from this requirement has been requested. It is envisioned that children will be dropped-off and picked-up at the rear of the building and there will not be a need to park for any extended period along the alley or Lawrence Street.

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.

Noise impact on the neighbors would be minimized as the rear of the playground has a 15-foot wide alley separating single-family detached homes which front on Monroe Street. Therefore it is the rear of the properties that are closest to the playground. The use next to the playground is a dentist office and to the east is a parking lot. Noise from outdoor play would be minimal, as all the children would not have outdoor recreation at the same time and they would be supervised. For these reasons the impact of noise or activity from the child development center would have minimal impact on adjacent 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 appearance of the building will not be changed. This building has been a part of this community for about 39 years and has not been objectionable. The operation of the child development center would not cause any changes, as children would not be allowed to play in the front or rear yard and there is a fence along the eastern property line. The playground is completely fenced with secure gates. Children would be supervised at all times. Existing signage advertising the proposed school is small, discreet, and does not detract from the residential character of the neighborhood. The child development center would have minimal impact on adjacent properties and therefore would not need any special screening.

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 27,225 square feet playground is located across Lawrence Street from the center and therefore the children would not have a far distance to walk. There is a school safety sign at the intersection of Lawrence Street and Hoover Road and it is marked for pedestrian crossing. The children will go to the park in small groups and would be supervised while crossing and therefore would not be endangered in getting to the playground. The playground, which is owned by the church, is completely enclosed.

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 Hughes Child Development Center is located approximately 200 feet southwest of the subject site at 2316 Rhode Island Avenue. This center operates between 6:00 a.m. and 6:00 p.m. Both centers are at a reasonable distance apart, so that the combined operations of Hughes and the proposed center will not significantly increase the impact of noise and traffic on the adjacent neighborhood.

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 District Department of Transportation (DDOT) stated to OP that there were no concerns, as the traffic impact due to drop-off and pick-up on Lawrence Street would be negligible.

Section 3104

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.

The proposal upholds the general provisions of the R-1 zone as outlined in Section 200 that state:

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

205.3 The provisions of this chapter are intended to stabilize the residential areas and promote a suitable environment for family life . . .

The intent of the Zoning Regulations and Map is to develop this area with single-family detached homes. This would not be contrary to the intent as the proposed child development center would not detract from or adversely impact this quiet residential area, and in fact would provide a service to the neighborhood. Child development center uses are deemed compatible with residential uses, and can constitute an important

service for residential neighborhoods. Therefore, the intent, purpose, and integrity of the Zoning Regulations and Map will be maintained.

VII. ADDITIONAL RELIEF REQUIRED

Parking

2116.5 Except as provided in § 2117.9, if approved by the Board of Zoning Adjustment pursuant to § 3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, in accordance with §§ 2116.6 through 2116.9.

2116.6 *The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:*

- (a) *Unusual topography, grades, shape, size, or dimensions of the lot;*
- (b) *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;*
- (c) *Traffic hazards caused by unusual street grades; or*
- (d) *The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.*

The subject property is unable to accommodate parking spaces for the following reasons:

- Between the building and the property line there is a 20-foot building restriction line within which parking spaces cannot be placed.
- Additionally, parking is not permitted in the front, and is unable to be placed in the rear yard as there is not enough space to accommodate the parking spaces. The space in the west side yard that can be accessed through the alley is used to park vehicles associated with the church activities.

2116.7 *When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.*

The available parking lot is located within 200 feet of the subject site and is not separated by an alley. While not preferred, the parking lot is owned by the church and was acquired to provide accessory spaces for church properties' use.

2116.8 *The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.*

The accessory parking on the lot would provide reasonable access to the center as it is merely 200 feet (curb to curb) from the center. Access is convenient due to the sidewalks and existing crossing signs at the corner of Hoover and Lawrence Streets.

2116.9 *The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement*

it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

OP does not recommend any lighting or screening for the property as it is an existing lot that currently functions as a parking lot and has not received any known complaints. However, OP would encourage the applicant to consider adding trees and other plantings to provide shade, serve as on-site storm water management, and to beautify the lot.

Granting special exception relief to allow the required 3 spaces for the child development center on the church's available lot would not be detrimental to the public good. The intent, purpose, and integrity of the Zoning Regulations and Map will not be harmed as the required 3 parking spaces can be accommodated on a related parking lot approximately 200 feet away. Teachers would be able to park in the lot in order to make the spaces along Lawrence Street available to parents dropping off or picking up their children. OP's site visits observed that a reasonable amount of curbside parking space along Lawrence Street can be expected to be available when the child development center is in session for drop-off. The center would be in operation during different hours to other uses, which would allow for efficient shared parking, with no risk of spill-over parking onto neighborhood streets. OP is supportive of shared parking facilities, particularly among uses with different peak demand times. No traffic congestion is anticipated and relief from the parking requirements would not affect adjacent residents' ability to access their properties.

VIII. COMMUNITY COMMENTS

According to the applicant, ANC 5A voted in support of the Applicant's requested relief at its regularly scheduled meeting in May, 2009.

IX. CONCLUSION AND RECOMMENDATION

The proposed child development center would serve a great need in the community and is supported by the neighborhood. Although parking is unable to be provided on-site, parking would be provided on an available lot that is under-utilized during the center's proposed operating hours. In addition, there is curb parking available on both Lawrence Street and Rhode Island Avenue at all times of the day. The applicant had met the requirements for the requested special exceptions. Therefore, the Office of Planning recommends that the Board of Zoning Adjustment **APPROVE** the special exceptions requested with the following conditions.

1. The enrollment of the child development center is limited to sixty (60) students and twelve (12) staff.
2. Drop-off and Pick-up would be through the Lawrence Street entrance.

JL/kt