

**BEFORE THE BOARD OF ZONING ADJUSTMENT OF
THE DISTRICT OF COLUMBIA**

Application of Atlantic Gardens Redevelopment LP

BZA Application No. 19210
Hearing Date: March 8, 2016
ANC 8D

PRE-HEARING STATEMENT OF THE APPLICANT

This is the pre-hearing statement of Atlantic Gardens Redevelopment LP ("**Atlantic**" or "**Applicant**") for special exception relief to allow an enrollment and staff increase for a child development center on the ground floor of an apartment building located at 4226-4228 4th Street, SE. (Square 6207, Lot 30) ("**Property**"). The Property is located in the R-5-A Zone District. The Applicant is proposing to serve a maximum of 33 children under the age of fifteen (15) with a maximum of 9 employees. The current Certificate of Occupancy (CO 1403243 dated September 9, 2014, attached as Exhibit A) allows 20 children and 4 staff.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the "**BZA**" or the "**Board**") approve a special exception to increase the enrollment and staff limits for a child development center, in the R-5-A District pursuant to District of Columbia Municipal Regulations (DCMR) Sections 205 and 3104.1.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations.

III. BACKGROUND

A. The Applicant

UPO, the United Planning Organization of the District of Columbia, operates the Early Childhood Center that serves the residents of Atlantic Gardens and nearby properties.

The childcare center provides school readiness for children ages 0 to 5 from low-income families by enhancing their cognitive, social and emotional development.

Program Elements Include:

- Evidence-based, national early learning curriculums that include:
 - Early development of language and literacy skills
 - Physical health and development
 - Nutrition
 - Disabilities services
 - Intervention
- Transitional and mental health services
- Family support using nationally certified family development practitioners to provide guidance for families navigating the pathway to self-sufficiency. Based on the national Head Start framework UPO supports

B. Description of the Property

The Property is zoned R-5-A and is improved with a garden-style apartment house that provides affordable rental units. The building is part of the Atlantic Gardens complex which contains 108 units. The surrounding area is a mix of moderate and medium density residential and institutional uses. The adjacent properties are moderate density residential structures.

The child development center has been located on the ground floor of the three-story and basement apartment building since 1985.

C. Description of the Use

The intended use of the structure remains the same, an Early Childhood Center. The exception requested will allow an occupancy load of 42 including 33 children ages 0-5 and 9

staff. The request complies with and the requirements of Section 205.

There are 138 low-income children ages 0-5 at Atlantic Gardens and Southern Hills. The Southern Hills complex located directly across the street from Atlantic Gardens. The current CO allows 20 children or only 15% of the potential demand. Approval of the requested special exception will allow an additional 13 children at the Center. These low-income children and their parents desperately need the school readiness and health screening programs provided by UPO at the Center.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF UNDER SECTION 3104.1 OF THE ZONING REGULATIONS

The Applicant is seeking a special exception under Section 205 of the Zoning Regulations for an increase in the student and staff caps for an existing child development center. A child development center for more than sixteen (16) children is allowed in the R-5-A Zone District by special exception pursuant to 11 DCMR Section 205.

A. This Application Satisfies the Requirements for a Special Exception for a Child Development Center under Section 205.

Section 205 requires an applicant to demonstrate that a child development center satisfies the following requirements: (1) it is capable of meeting all applicable code and licensing requirements; (2) it is located and designed to create no objectionable traffic conditions and no unsafe condition for picking up and dropping off children; (3) it provides sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors; (4) it shall be located and designed so that there will be no objectionable impacts on adjacent properties due to noise, activity, visual, or other objectionable conditions; (5) any off-site play area shall be located so as not to result in endangerment to the children in traveling between the play area and the

center; and (6) if another child development center is located in a square or within 1,000 feet of the proposed center, then the cumulative effect of the centers will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

1. Section 205.2 - The Center meets the Applicable Code and Licensing Requirements.

The Center meets all applicable code and licensing requirements and will meet them after the exception requested relief is granted. The current Certificate of Occupancy for a Child Development Center, Number CO1403243, allows an Occupancy Load of 24 including 20 children and 4 staff. The CO was issued on September 9, 2014. Upon approval by this Board, the Owner will request a new Certificate of Occupancy that will allow an occupancy load of 42 including 33 children ages 0-5 and 9 staff. The District of Columbia Office of the State Superintendent of Education granted a license to operate the facility as a Child Development Facility, License Number CDC-910225, on November 19, 2014. The license was issued to UPO @ Altantic Gardens Early Childhood 4228 4th Street SE. The United Planning Organization (UPO) will apply for a new license from the District of Columbia Office of the State Superintendent of Education for an occupancy load of 42 including 33 children ages 0-5 and 9 staff if the Board of Zoning Adjustment grants the requested Exception.

2. Section 205.3 – The Center will not Create Objectionable Traffic Conditions or Unsafe Conditions for Picking-up and Dropping-off Children.

The majority of the parents and children who use the Center live at Atlantic Gardens and walk to the Center from their apartments. The Center's entrance is located on a plaza and is accessed via a safe, convenient walkway.

3. Section 205.4 – The Center Does Not and Will Not Create Adverse Parking Impacts.

The Center will provide two off-street parking spaces for staff and visitors within 50 feet of the Center's entrance. See Site Plan attached as Exhibit B. The majority of parents walk to the Center from their apartments.

4. Section 205.5 – the Center Does Not and Will Not Create Objectionable Impacts on Adjacent Properties.

Section 205.5 provides:

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. 11 DCMR § 205.5.

The UPO staff that runs the Center closely monitors the actions of the children in the Center and abutting play area in accordance with the rules and regulations of the State Superintendent of Education, Division of Early Learning.

5. Section 205.6 - The Board May Require Special Treatment in the Way of Design, Screening of Buildings, Planting and Parking Areas, Signs or as Otherwise Necessary.

No such treatment is required for this established Center.

6. Section 205.7 - The Off-Site Play Areas Used by the Center will not Endanger the Children in Traveling between the Play Area and the Center.

The children use an existing playground that is located on-site in front of the entrance. This area is being renovated so that there will be two fenced in playground areas for two different age levels. (See Exhibit B.) The playground areas will be dedicated to Center use.

7. Section 205.8 – The Center will not Cause a Cumulative Adverse Effect on the Neighborhood.

The parents and children who attend this Center live at Atlantic Gardens or Southern Hills and walk to the Center. There is no added traffic because of the operation of the Center. Other potential adverse impacts are eliminated because of the way UPO operates the Center in accordance with the rules and regulations of the State Superintendent of Education, Division of Early Learning.

V. COMMUNITY OUTREACH

Atlantic has reached out to ANC 8D and is not aware of any opposition.

VI. HEARING PRESENTATION

The Applicant will require approximately ten minutes to present its application and will present one witness in support of it: Janet A. Smith-Coles, the Facilities Technician for the Center.

VIII. CONCLUSION

Atlantic appreciates the Board's consideration of this application and looks forward to serving more lower-income families in the D.C. community. It asks that its request for special exception relief be granted.

Respectfully submitted,



Allison C. Prince

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2016, copies of the attached BZA application were delivered via email to the following:

Brandice Elliott
Office of Planning
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Washington, DC 20024
brandice.elliott@dc.gov

ANC 8D
PO Box 54781
Washington DC 20032
8D@anc.dc.gov

Olivia L. Henderson
ANC 8D02
4612 6th Street SE
Washington DC 20032
8D02@anc.dc.gov



Allison C. Prince

Exhibit A

Government of the District of Columbia
Department of Consumer and Regulatory Affairs

1100 4th Street SW
Washington DC 20024
(202) 442 - 4400
dcra.dc.gov



CERTIFICATE OF OCCUPANCY

PERMIT NO. CO1403243

Issued Date: 09/09/2014

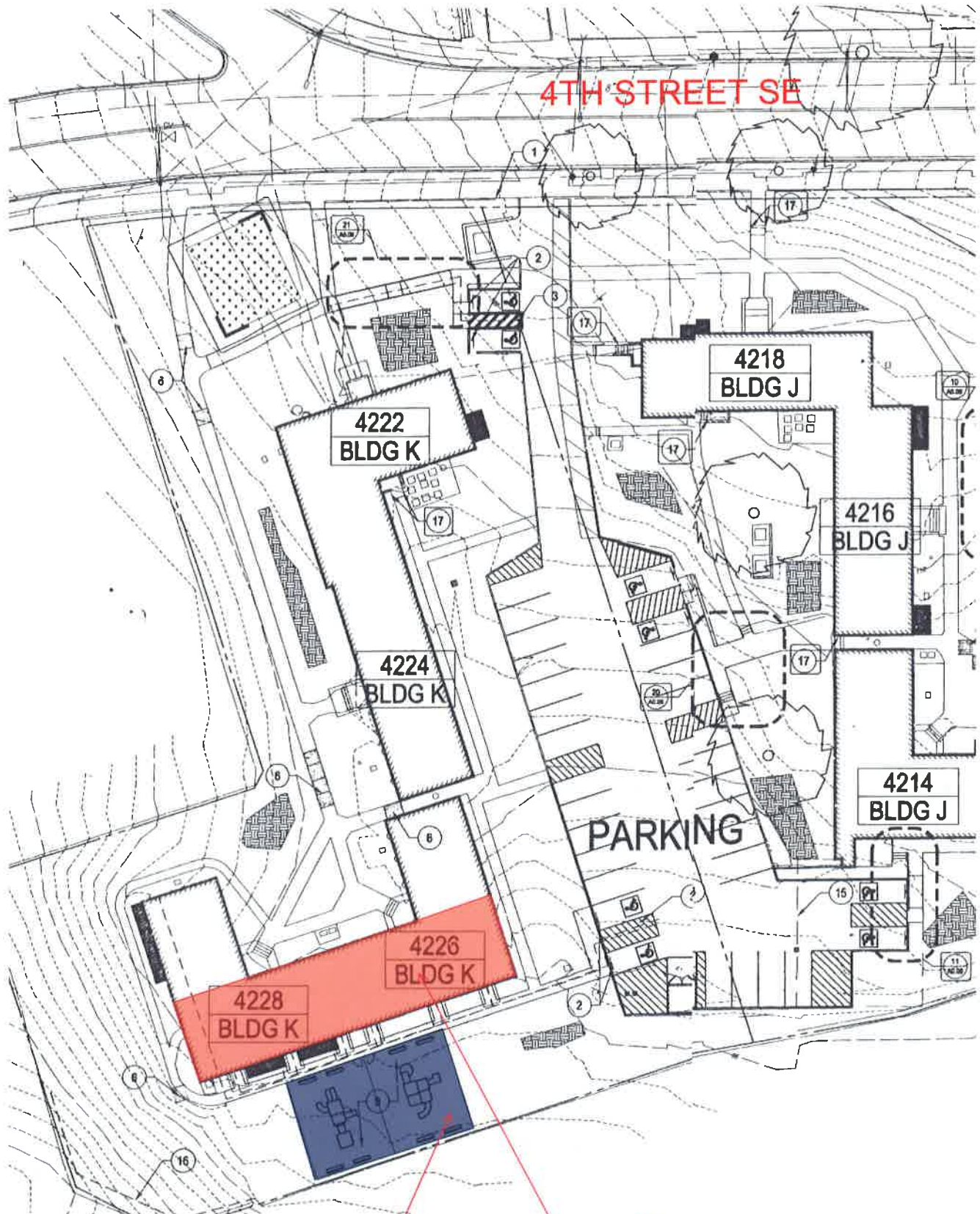
Address: 4226 - 4228 4TH ST SE		Zone:	Ward: 8	Square: 6207	Suffix:	Lot: 0030
Description of Occupancy: CHILD DEVELOPMENT CENTER, 20 CHILDREN (AGES 0-5) AND 4 STAFF						
Permission Is Hereby Granted To: UPO AT ATLANTIC GARDENS EARLY CHILDHOOD CENTER		Trading As NA		Floor(s) Occupied 1ST		Occupant Load: 24 No. of Seats
Property Owner: WASHINGTON REHABILITATION		Address: WINN MANAGED PROPERTIES LLC 6 FANEUIL HALL MARKET PL BOSTON, MA 02109-6115		BZA/PUD Number:		Occupied Sq. Footage 2000 PERMIT FEE: \$82.50
Building Permit Number (if applicable)		Type of Application Revised		Approved Building Code Use Other (Specify): Approved Zoning Code Use: Child development center		
Conditions/ Restrictions: THIS CERTIFICATE MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS MAIN ENTRANCE, EXCEPT PLACES OF RELIGIOUS ASSEMBLY. Use complies with DCMR Title 11 (Zoning) and Title 12 (Construction). As a condition precedent to the issuance of this Certificate, the owner agrees to conform with all conditions set forth herein, and to maintain the use authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all spaces whose use is authorized by this Certificate and to require any changes which may be necessary to ensure compliance with all the applicable regulations of the District of Columbia.						
Director: Rabbiah A. Sabbakhan		Permit Clerk Justin Bellow		Expiration Date:		

9/9/2014

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1659



Exhibit B



PROPOSED FENCED IN
PLAYGROUNDS FOR TWO
DIFFERENT AGE GROUPS

LOCATION OF ATLANTIC GARDENS
CHILD DEVELOPMENT CENTER