

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Senior Project Manager
 JL Joel Lawson, Associate Director Development Review
DATE: January 26, 2018

SUBJECT: OP Report - BZA Case #19651 –Special Exceptions: Subtitle U § 203.1(g), to expand and increase the number of children served, and staff at the Kidspace daytime care facility at 2910-2916 Pennsylvania Avenue, SE in the R-1-B and R-3 zones.

I. OFFICE OF PLANNING RECOMMENDATION

House of Ruth, Inc. (applicant) requests special exception relief pursuant to Subtitle X, § 901.2 and Subtitle U § 203.1(g), Daytime Care Facility, to replace an existing daytime care facility (child development center) “Kidspace” with a new facility and an increase in the number of students and faculty/staff at 2901-2916 Pennsylvania Avenue, SE.

The Office of Planning recommends approval of the requested special exception with the following conditions:

1. The number of students and facility shall be determined by the Office of the State Superintendent of Education (OSSE) up to a maximum of 88 children and 25 faculty/staff; and
2. The hours of operation shall be between 7:00 a.m. and 6:00 p.m., Monday through Friday.

II. LOCATION AND SITE DESCRIPTION

Address	2910-2916 Pennsylvania Avenue, SE (See Attachment 1)
Legal Description	Square 5446, Lots 5-8, and 800
Ward/ANC	7/7B
Zoning	R-1-B: areas predominantly developed with detached houses on moderately sized lots. R-3: areas for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings. Daytime care facilities are allowed by special exception within both the R-1-B and R-3 zones.

Lot Characteristics	The triangular parcel of land has an area of 17,442 square feet and is bounded by three streets, P street to the north, 29 th Street to the west, Pennsylvania Avenue to the south and a single family detached home to the east. The topography of the site gently rises from 29 th Street towards the rear of the property and more steeply rises from Pennsylvania Avenue and P Street.
Existing Development	The lot is developed with two former houses currently used for a daytime care facility playgrounds.
Historic District	Not within a historic district.
Adjacent Properties	To the north is M Street/New York Avenue intersection; to the east is a recreation building with single family row dwellings beyond; to the south are single family rowhouses; and to the west is the Holy Redeemer Church and residences.

III. BACKGROUND and PROPOSAL

Kidspace child development center has operated at 2901-2916 Pennsylvania, SE since 1996.¹ and has a Certificate of Occupancy for a maximum of 76 students and 12 faculty/staff. The facility serves infants from six weeks old to older children up to five years. The facility is accommodated in two buildings with a large play area on the portion of the property at the intersection of P Street and Pennsylvania Avenue. The proposal is to demolish the existing buildings and replace them with a single, two-story building, larger play areas with new equipment, a garden, additional parking spaces, improved landscaping and screening. The applicant also proposes the increased use to 88 children and 25 faculty/staff.

IV. ZONING REQUIREMENTS

The property is split zoned R-1-B and R-3. The proposal would see the construction of a new building which would meet the zoning requirements of both zones as shown on the table below.

	R-1-B Allowances	R-3 Allowances	Proposal
Lot Area	5,000 sf min.	4,000 sf. min	17,441 sf. (combined)
Lot Width	50 ft. min.	40 ft. min	291 ft.
Height/Stories	40 ft. max.	40 ft. max.	22.83 ft.
Lot Occupancy	40% max.	40% max.	39.9%
Front Setback	Within range of existing block	Within range of existing block	Within range of existing block
Rear Yard	25 ft. max.	20 ft. max,	25 ft.
Side Yard	8 ft. min.	5 ft. min.	8 ft.

¹ BZA 16132 was a appeal of the Director of the Department of Consumer and Regulatory Affairs decision to grant a Certificate of Occupancy to the House of Ruth to operate a child development center on the property. The appellants also stated that other uses unrelated to child care was being provided. The BZA upheld the decision of the Zoning Administrator and found that the center was operating within the scope of the certificate of occupancy.

			5 ft.
Pervious Surface	50% min.	50% min.	50%
Parking	0.5 space/1,000 sf. = 5 spaces	0.5 space/1,000 sf. = 5 spaces	8 spaces
Bicycle Parking	LT: 1/10,000 sf. = 2 ST: 1/10,000 sf. = 2	LT: 1/10,000 sf. = 2 ST: 1/10,000 sf. = 2	LT: 1/10,000 sf. = 2 ST: 1/10,000 sf. = 2

V. OFFICE OF PLANNING ANALYSIS

Special Exception for a Daytime Care Facility Subtitle U § 203.1(g)

A daytime care facility is permitted as a special exception in both the R-1-B and R-3 zones subject to the general conditions of Subtitle X, Chapter 9, and the following conditions of Subtitle U § 203.1(g), which are specific to the use.

- (1) *The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;*

The 17,186-square foot facility would require five parking spaces but eight would be provided with one space dedicated to an accessible van (Exhibit 36A1, page BZA 8). The applicant states that a majority of the children attending the center would be from the surrounding community and would arrive by foot or via bus. Children arriving by foot would enter the center through the main Pennsylvania Avenue entrance. The site is served by five bus lines with the closest bus stop located to the southeast of the site at the intersection of Pennsylvania Avenue and 30th Street. Sidewalks and crosswalks are provided adjacent to the site except that sidewalks would be provided adjacent to the property along P Street in the future. Families traveling by car would be accommodated along P Street, S.E., and the children escorted into the center. These travel options for drop-offs and pick-ups would not negatively impact the traffic conditions in the area.

Delivery trucks serving the facility would be accommodated on-site from P Street. Adequate space for turnaround would be provided to allow for the trucks to enter front-in and exit front-out. The garbage would also be picked up from the site two times per week. There would be minimal impact from these activities on traffic around the property.

- (2) *Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

Three on-site play areas would be provided and the children would not be taken to any off-site play areas.

- (3) *The Board of Zoning Adjustment 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; and*

As shown on the Existing and Proposed Sites Plans (Exhibits 36A1, pages BZA-7 and BZA-8) a large portion of the facility’s play area is and would continue to be in public space. The topography of some of the public space area is very steep and the applicant has worked with DDOT’s Public Space division to minimize the grading of these areas and would incorporate retaining walls to minimize the grading. The walls would not exceed four feet in height. The development would be enhanced by additional

landscaping, new retaining walls, fencing, and trees which would provide screening, security and shade for the play area and the building. The improvement to the public space includes landscaping and trees would create a park-like setting and an improvement to the streetscape.

(4) More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment 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;

There are no other child/elderly development centers or adult day treatment facility within the square and OP is not aware of any other facility which would be within 1,000 feet of this facility.

Special Exception Review Standards, Subtitle X, § 901.2

(a) Will be harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

A day time care facility is allowed in the R-1-B and R-3 zones provided the provisions of Subtitle U § 203.1(g) are met. The applicant has demonstrated that the increase in the number of students and staff, the hours of operations, the increase in the size of the center and pick-ups and drop-off would not negatively impact parking or traffic movements in the vicinity of the site.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

The facility has operated in the community for over 20 years and has not negatively impacted neighboring properties. The new facility would be an attractive addition to the community and would provide a new facility that would better serve children and staff and in turn the community. The increase in students and staff would help serve more of the social needs of the children and parents, and should not tend to adversely affect the use of the adjacent residences.

(c) Subject in specific cases to the special conditions specified in this title.

As demonstrated above, the proposal is in conformance with the special conditions outlined in Subtitle U § 203.1(g).

VI. OTHER DISTRICT AGENCY COMMENTS

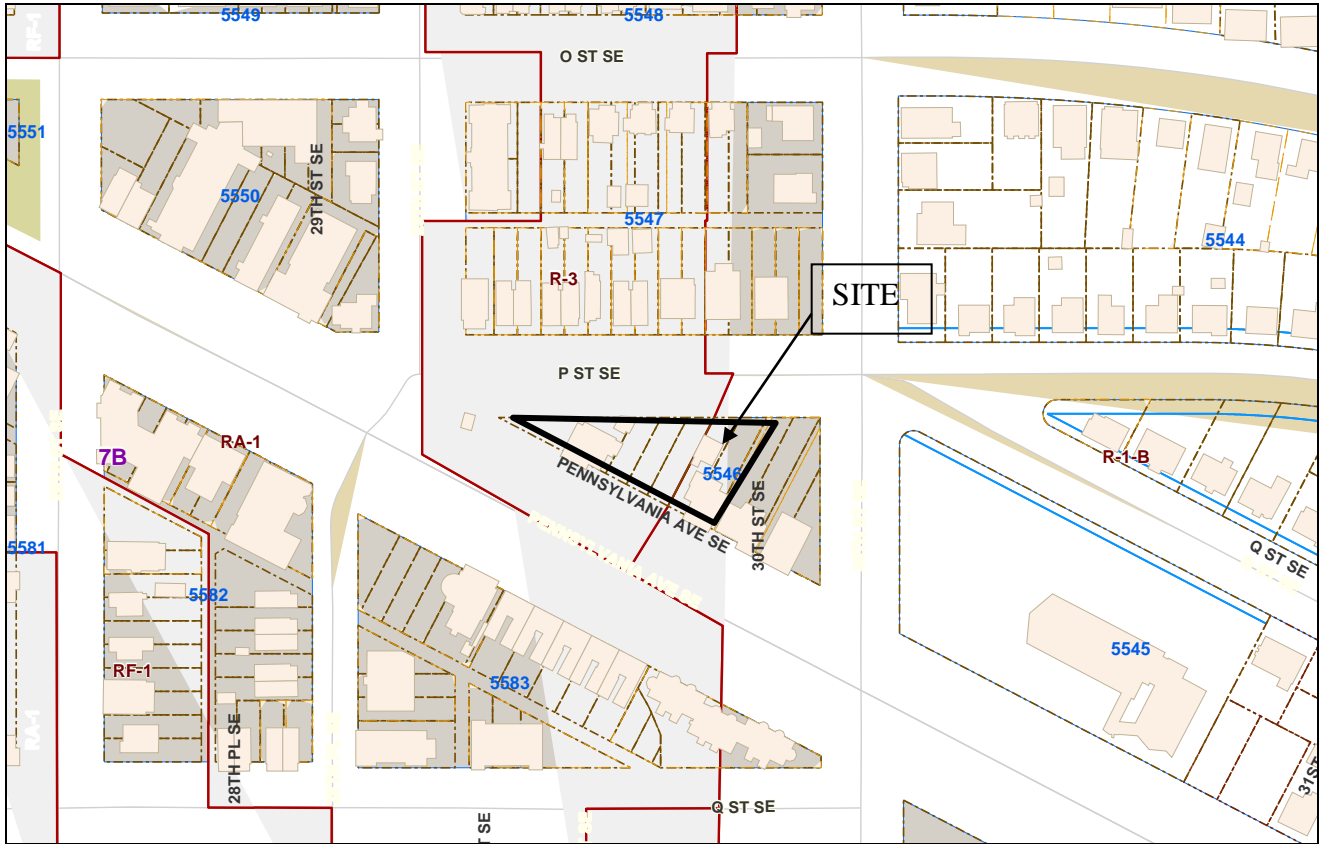
The proposal was referred to the Office of the State Superintendent of Education (OSSE) and the Department of Transportation who will provide comments under separate cover.

VII. COMMUNITY COMMENTS

The property is within ANC-7B. The applicant in Exhibit 35A, page 8, states that the ANC has voted in support of the application. No comments from the ANC has been submitted to the record to date.

Attachments
Site and Aerial Photograph

ATTACHMENT SITE LOCATION



AERIAL

