

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
J Joel Lawson, Associate Director Development Review  
**DATE:** April 14, 2015  
**SUBJECT:** BZA Case 18013A, 119 Franklin Street, N.E. address

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends special exception approval of the following:

- § 205, continued operation of a Child Development Center.

OP also believes that the applicant may also require the following variance relief from parking. If so, OP has provided analysis and would recommend approval of the following:

- § 2101, Off-Street Parking (4 spaces required, none proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	119 Franklin Street, N.E.
Legal Description	Square 3505, Lot 802
Ward	5C
Lot Characteristics	Unusually shaped lot with vehicular access from Franklin Street, N.E.
Zoning	R-5-A– low density residential (per PUD-related map amendment, ZC Order No. 346.)
Existing Development	Garden apartment complex
Adjacent Properties	North: Across Franklin Street, Trinity College South: Glenwood Cemetery East: Glenwood Cemetery. Across Lincoln Road, Shaed Elementary School. West: Row houses
Surrounding Neighborhood Character	Mixture of residences, institutions and cemetery uses

**III. APPLICATION IN BRIEF**

The applicant proposes to continue to operate a child development center for up to fifty children, infants through age twelve, and fourteen staff in the lower level of a garden apartment building as

was approved by the Board under BZA Application No. 18013. Hours of operation would continue to be from 7:00 a.m. to 7:00 p.m. That approval expired on February 22, 2015.

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-5-A Zone	Regulation	Existing	Proposed	Relief
Off-Street Parking § 2101	4 spaces min.	None	None	<b>Required</b>

#### V. OFFICE OF PLANNING ANALYSIS

##### a. Variance Relief from § 2101, Off-Street Parking

##### i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is unique in that it was built as a one-hundred unit apartment complex with a storage area. Parking was provided for the apartments only, as required by the Zoning Regulations. No parking was allocated for the storage area, which is now the child development center. As the site is fully developed, it would be a practical difficulty to provide additional parking.

##### ii. No Substantial Detriment to the Public Good

Employees of the center would be able to park within the lot as it is generally not full during the day when employees of the center are at work. Pick-up and drop-off require only short term parking and the center has been operating within the apartment complex for the last five years without any complaints.

##### iii. No Substantial Harm to the Zoning Regulations

There would be no substantial harm to the Zoning Regulations as the amount of parking required for the center is minimal, equal to only four percent of the total spaces provided within the parking lot.

##### b. Special Exception Relief pursuant to § 205, Child/Elderly Development Centers

##### i. 205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*

The child development center has operated for the last five years as a licensed child development center. The Office of the State Superintendent of Education, Office of Early Childhood Education Compliance and Integrity Division, Child Care Licensing Unit (OSSE, OEC/CID/CCLU), the agency responsible for development centers informed OP by email that it has no comments on the application.

##### 205.3 *The center or 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.*

No changes to the pick-up and drop-off of children are proposed. The center would continue to operate within an existing garden apartment complex, with vehicular access via an internal parking lot serving the complex only. As a private parking lot with no through-traffic circulation, traffic is minimal.

Parents driving to the site would continue to be able to park within the lot while either picking up or dropping off children at the center, without affecting traffic on surrounding roadways.

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

In 2009 the Board found that sufficient off-street parking existed for the use. The parking lot would continue to be utilized by the center short term for the pick-up and drop-off of children, and during the day by staff members, when residents of the complex would be expected to be at work.

205.5 *The center or facility, 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.*

The center would continue to be located within a space on the lower level of the building, with direct access to the outdoors and without the need to utilize common hallways and stairwells shared by the residents of the building. Outdoor play would continue to take place with within the Franklin Commons playground. OP is not aware of any complaints concerning the use of this playground.

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 Office of Planning does not make any recommendations for special treatment.

205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.*

No off-site play areas are proposed.

205.8 *The Board may approve 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 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 Office of Planning is unaware of any other child development centers within the square or within 1,000 feet.

205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, 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.*

*205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

The Office of the State Superintendent of Education (OSSE) indicated to the Office of Planning that it has no comments on the application. No other comments were received from other District agencies.

**ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposal would permit the continuation of a use permitted by special exception within the R-5-A zone, in conformance with the applicable criteria contained under Section 205 of the Zoning Regulations.

**iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The Office of Planning is unaware of any complaints regarding this use, which was approved by the Board five years ago. The applicant is now requesting to renew the approval of that use, with no changes to the operation of the day care center.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

OSSE, in an email to the Office of Planning dated April 8, 2015, indicated that it had no comments on the application.

No other comments were received from other District agencies.

## **VII. COMMUNITY COMMENTS**

The Single Member District Commissioner for ANC 5E09 submitted a letter dated March 21, 2015 in support of the application.

Attachment: Location Map

