



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: December 15, 2009

SUBJECT: BZA Case 18014 - Request for Special Exception Relief at 210 55th St. NE.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief pursuant to § 205 for the child development center at 210 55th St. NE.

AREA AND SITE DESCRIPTION

Address:	210 55 th St. NE
Legal Description:	Square 5252, Lot 140, 141
Ward, ANC:	7; 7C
Lot Characteristics:	Lot 140: rectangular lot, 7,738 sq ft. – approx. 57 ft. wide by 127 ft. long, 16 foot-wide alley along the side lot line Lot 141: rectangular lot, 7,667 sq ft. – approx. 92 feet wide by 82 ft. long
Existing Development:	Developed with two three-story vacant apartment buildings
Zoning:	R-2 – Low density residence district comprising single family homes. The existing apartment buildings predate current zoning. A child care center is permitted by special exception.
Historic District:	N/A
Adjacent Properties:	Properties to the east comprise single family detached dwellings; properties to the north, south, and east comprise single family attached dwellings.
Surrounding Neighborhood Character:	Low density single-family residences, including Evans Recreation Center to the southwest.

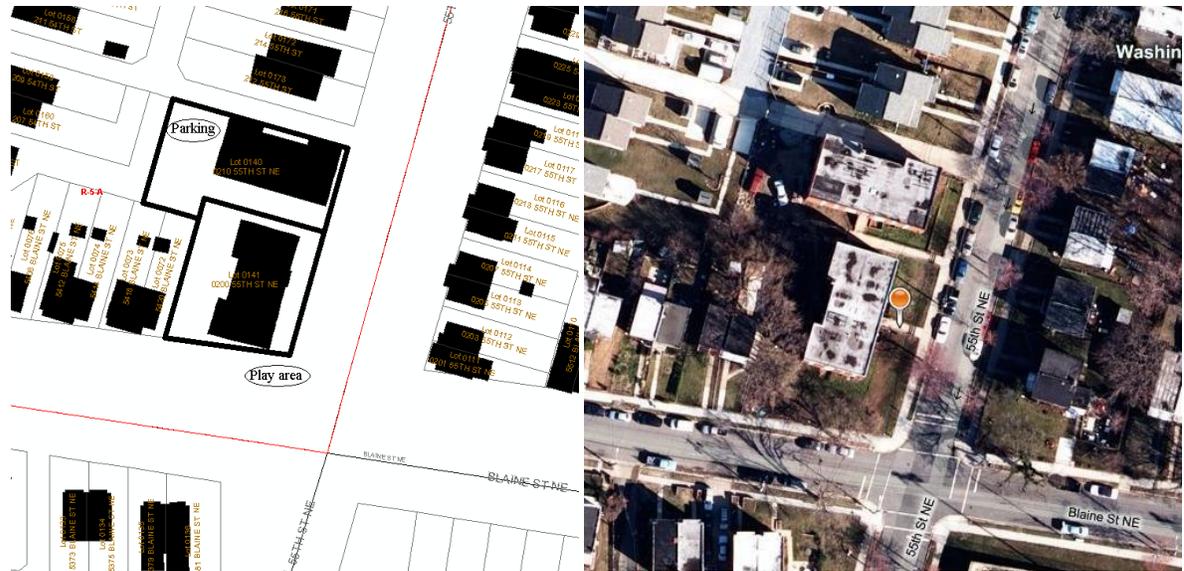


Figure 1: Subject properties, with proposed parking and play area indicated (left); Satellite view (right)

I. APPLICATION IN BRIEF

The applicant proposes to operate a child development center for a maximum of 25 children comprising a mix of infants and toddlers on the ground floor of the apartment building located at 210 55th St. NE (Lot 140). The center would provide early childhood development services and afterschool programming for the same children as they enter day school. The proposed hours of operation are 6:00 am to 7:30 pm, Monday through Friday.

The existing two apartment buildings on site are currently vacant. The applicant is proposing to completely renovate these two buildings, thus creating 27 two-bedroom units, installing four parking spaces to the rear of Lot 140, and a play area in the southwestern corner of Lot 141 with 6 ft. tall wrought iron perimeter fence around the site. According to the applicant, the child development center would be exclusive to the residents of the two three-story apartment buildings located on Lots 140 and 141.

II. REQUESTED RELIEF and ANALYSIS

Permission to operate a child development center in the R-2 district may be granted by the Board upon satisfaction of the special exception requirements of Section 205. The definition of a child development center encompasses facilities generally known as child care centers, pre-schools, as well as before-and after-school programs. Section 205 is reviewed as follows:

205.1 *Use as a child/elderly development center or adult day treatment facility 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 § 205.*

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

The Child and Residential Care Facilities Division of the Office of the State Superintendent for Education (OSSE) submitted a memorandum of support to the Office of Zoning (OZ) for filing.

- 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.*

The applicant indicates that all children enrolled in the child development center would live in one of the two apartment buildings situated on Lot 140 or 141. Therefore, no vehicular drop off or pick up is required or proposed.

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

Current regulations (§ 2101) require 1 space for every 4 teachers and other employees. The applicant is proposing to install four parking spaces to the rear of Lot 140 for the teachers and staff of the child development center. Access to these spaces would be provided by utilizing the 16-foot wide alley which runs along the northern edge of Lot 140. Further, the applicant projects that some of its teachers and staff would take public transportation, therefore minimizing any potential objectionable traffic conditions for the neighborhood.

- 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 applicant's play area with equipment is proposed to be located in public space at the southwest corner of Lot 141, due to space constraints on site which make it difficult to locate the play area in any other location. Because this area is public space, the applicant will have to secure approval from the DDOT Public Space Committee. It does not appear to OP that it would be possible to locate the play space on the subject property due to the existing building location; OP supports the proposed location directly adjacent to the buildings.

Regarding visual impacts, the applicant maintains that sightlines at the corner of 55th St. NE and Blaine St. NE would not be negatively impacted due to a depression in the elevation of the land in this area, and that the play equipment being proposed will be small scale, as it's meant for infants and toddlers. Further, the proposed play area would be screened by a large tree, and the applicant proposes to screen the area further by planting additional vegetation and installing a wrought iron fence measuring 6 feet in height around the perimeter of the site.

Regarding noise impacts, the applicant has noted that since the infants' and toddlers' play would be supervised, any objectionable conditions due to noise could be quickly addressed by staff. Additionally, the play area as proposed is not directly adjacent to and residential buildings other than the subject site. Further, the size and scale of the child

development center at a maximum of 25 children would likely not result in an objectionable outcome.

- 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.*

OP did not observe any additional need for screening to protect adjacent properties beyond what already exists around the proposed outdoor play area.

- 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 or facility itself.*

No off-site play area is 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.*

Based on a listing of child care facilities on the Department of Health's website, there are no other facilities within the 1000-foot radius, or on Square 5252.

- 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.*

The record indicates that the application was submitted to the appropriate agencies.

- 205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia. [ORDER No. 05-01; 12/01/06]*
Refer to § 205.2 above.

III. COMMENTS OF OTHER DISTRICT AGENCIES

OSSE's comments were forwarded to the Board under separate cover and should be included in the record.

IV. COMMUNITY COMMENTS

The applicant's request was reviewed by the Advisory Neighborhood Commission 7C at the ANC's regularly scheduled meeting in December, 2009. OP has received a copy of ANC 7C's letter of support dated December 5, 2009.

V. CONCLUSION AND RECOMMENDATION

A child development center is permitted through special exception relief in residence districts if it would not unduly affect the use of neighboring property. Review of the requirements concludes that the subject center would not adversely affect the use of neighboring property as the center would be located indoors within a brick structure which would mitigate any sounds generated by children within the center. Also, the center would help to facilitate the effective reuse of these currently vacant buildings. The proposed center is not expected to generate additional traffic in the immediate neighborhood due to the fact that the center would serve the children who live in the apartment buildings on site.

The Office of Planning recommends **approval** of the requested relief pursuant to § 205 to permit the operation of a child development center, at 210 55th St. NE.

JS/sv