



## 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 No. 18013, 119 Franklin Street, NE (Franklin Commons Intergenerational Child Development Center, Inc.), Square 3505, Lot 802

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

- **A special exception pursuant to § 205 of Title 11 DCMR**, to permit a child development center, subject to the following condition:
  - Approval shall be for a period of five years.
- The Office of Planning also recommends that the Board approve **an area variance to the off-street parking requirements contained within § 2101.1 of Title 11 DCMR**, reducing the parking requirement for the proposed use from four to zero.

### II. AREA AND SITE DESCRIPTION

Address	119 Franklin Street, NE
Legal Description	Square 3505, Lot 802
Ward	5
Lot Characteristics	Odd-shaped lot with vehicular access from Franklin Street, NE
Existing Development	Vacant space within a garden apartment complex
Zoning	R-5-A– low density general residence (per PUD related map amendment, Zoning Commission Order No. 346)
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.



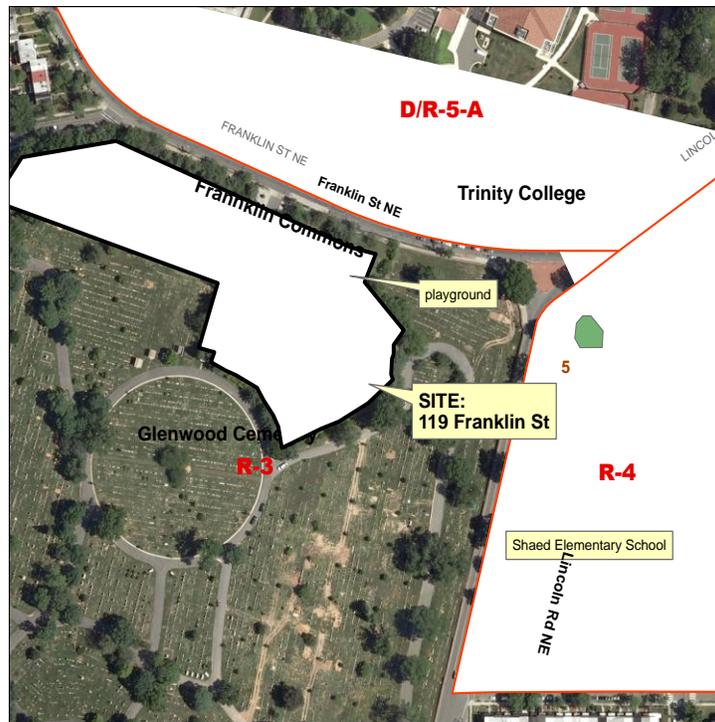
The subject property was approved and developed as a planned unit development with 100 apartment units and 100 off-street parking spaces, pursuant to Zoning Commission Order No. 346, dated July 9, 1981. The proposed child development center would be located within the lower level of one of the apartment buildings, in a space originally designed for storage. It was last used as a learning center for 50 students and three staff, pursuant to BZA Application No. 16267, dated April 16, 1998. The space is currently vacant.

**III. APPLICATION IN BRIEF:**

The applicant proposes to establish a child development center for 50 children and 14 staff within the Franklin Commons garden apartment complex. The children would range in age from infancy to age 12. All-day care would be offered to children that are not yet of school age. Before and after-care would be available to school age children that attend Shaed Elementary School, located on the east side of Lincoln Road. Staff members would walk the children to and from the school.

Hours of operation would be Monday through Friday, 7:00 am to 7:00 pm for teachers. All-day child care would be provided 7:00 am to 6:30 pm. Before-care would be from 7:00 am to 8:30 am and after-care would be from 4 pm to 7:00 pm.

An existing playground on the Franklin Commons property would be utilized for outdoor recreation. No new construction is proposed.



Zoning and Vicinity Map

**IV. ZONING REQUIREMENTS and REQUESTED RELIEF**

	<b>Required</b>	<b>Proposed</b>	<b>Relief</b>
<b>Off-street Parking (min.)</b>	4 spaces	None	4 spaces

## V. OFFICE OF PLANNING ANALYSIS

### **Special exception pursuant to § 205 – Child Development Centers**

Use as a child development center shall be permitted as a special exception within a residential district if approved by the Board of Zoning Adjustment, subject to the following provisions.

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

The Office of the State Superintendent of Education, Office of Early Childhood Education, Compliance and Integrity Division, Child Care Licensing Unit (OSSE.OECE/CID/CCLU), the agency responsible for licensing child development centers, recommends that the subject application be approved.

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 center would be located 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 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.*

One off-street parking space would be required for every four staff members, or four spaces for a staff of 14. The parking lot is currently improved with one parking space for every apartment unit within the complex, or 100 spaces, as required. No surplus spaces exist and no additional parking spaces would be created for the new use.

The parking lot would 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. However, no spaces would be specifically dedicated for use by the center. Therefore, although adequate parking would be provided, variance relief to reduce the number of required parking spaces from four to zero is required.

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 be located within the lower level of a garden apartment building, within a space previously used as a learning center for children, with direct access to the outdoors without the need to utilize common hallways and stairwells shared by the residents of the building. Outdoor play would be permitted within the existing Franklin Commons playground. However, child development centers have the potential to generate excessive noise and/or activity that could be found to be objectionable to nearby residents. Therefore, the Office of Planning recommends that the proposed use be approved for a period of five years to allow the Board to re-evaluate the application at that time.

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 recommend any special treatments.

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 would be utilized.

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 center 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.*

A memorandum submitted to the file by the Child Care Licensing Unit recommended approval of the application. The District Department of Transportation (DDOT) had no comments.

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 Child Care Licensing Unit recommended approval of the application, and indicated that the center would only be licensed pursuant to the requirements of Title 29 DCMR, Chapter 3, Child Development Facility Regulations.

#### **Variance to § 2101.1 – Off-street Parking Requirements**

Section 2101.1 sets the minimum number of off-street parking spaces required for the proposed use as four. None are proposed.

#### Uniqueness

The subject property is unique as a result of its having been fully developed as a 100-unit apartment complex. The layout of the buildings, parking and other common areas were approved pursuant to a PUD application in 1981. The space the child development center would occupy has been used as storage, meeting space for the Franklin Commons Tenant Association and as a learning center for children. However, no parking has ever been provided, and none can be provided as the site is fully developed.

#### Practical Difficulty

It would be a practical difficulty to the applicant to have to construct four parking spaces in order to utilize the existing space. The site is fully developed, without additional area in which to construct parking. As the existing lot contains 100 spaces, common open space now available to the tenants of apartment complex would have to be removed to permit the applicant to construct four parking spaces.

Intent of Zone Plan

The granting of a variance to the number of parking spaces should not have an adverse effect on the Zone Plan. The reduction in parking for the combined apartment and child care center uses is minimal, amounting to only four percent of the total number of spaces required. Adequate parking would be available for the staff of the center, as they would be on-site during the work day, when tenants would be expected to be at work, making parking available for use by the center.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

OSSE/OECE/CID/CCLU, in a memo dated November 6, 2009, recommended approval of the application.

DDOT had no comments on the application.

No other comments were received from other District agencies.

**VII. COMMUNITY COMMENTS**

The applicant informed the Office of Planning that ANC 5C, at its regularly scheduled meeting of November 17, 2009, recommended approval of the application.

**VIII. CONCLUSION AND RECOMMENDATION**

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of a special exception pursuant to § 205, Child Development Centers, and an area variance to reduce the number of required off-street parking spaces from four to zero. However, to ensure that there would be no objectionable impacts from the proposed use, the Office of Planning recommends **APPROVAL** of the application, subject to the following condition:

- Approval shall be for a period of five years.

JS/sjm<sup>AICP</sup>

Project Manager: Stephen J. Mordfin, AICP