

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 2, 2015

**SUBJECT:** BZA Case 19002 - request for special exception under the provisions of § 205 pursuant to DCMR 11 § 3104.1 to establish a Child Development Center at 505 57<sup>th</sup> Street NE and variance relief from the on-site parking (§ 2101.1) and rear yard setback requirements (§ 404.1 and § 2001.3) pursuant to § 3103.2.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the requested special exception for establishment of a Child Development Center (§ 205) subject to the following conditions:

1. Maximum number of children shall be 72 and the maximum number of staff shall be 12;
2. Hours of operation shall be 9:00 AM to 6:00 PM, Monday through Friday;
3. Applicant shall replace the existing 6-foot wood fence; and
4. Applicant shall close the existing curb cut on 57<sup>th</sup> Street NE.

OP recommends **approval** of the requested area variance relief from § 2101.1, minimum parking requirements (3 spaces required, 1 space existing, 0 spaces proposed) pursuant to DCMR 11 § 3103.2.

Although the Applicant does not believe it is required, they have requested relief from § 404.1 and § 2001.3, rear yard setback requirements (20 feet required, 21.7 feet existing, 36 feet proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	505 57 <sup>th</sup> Street NE
Legal Description	Square 5227, Lots 3 and 4
Ward/ANC	7/7C
Lot Characteristics	The property is triangular in shape. The property abuts 57 <sup>th</sup> Street NE to the west.
Zoning	R-2 – Residential, one family and semi-detached dwellings.
Existing Development	One-story brick building with basement.
Adjacent Properties	The square is characterized by residential and institutional uses with a church and an adult community-based residential facility to the north and east. Across 57 <sup>th</sup> Street NE to the west is Drew Elementary School.

Surrounding Neighborhood Character	The surrounding neighborhood contains a mix of residential and institutional uses.
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**III. APPLICATION IN BRIEF**

The Applicant, Sullivan & Barros, LLP on behalf of Crystal Hammond, is seeking a special exception to continue operation of the Rainbow Child Development Center and to expand the use from 42 children (ages 6 weeks to 12 years) and 9 staff to 72 children and 12 staff.

**IV. ZONING REQUIREMENTS AND RELIEF REQUESTED**

R-2 Zone	Regulation	Existing	Proposed	Relief <sup>1</sup>
Height § 400	40 ft. max. 3 stories	<40 ft. one story	<40 ft. one story	None required
Lot Width § 401	40 ft.	>40 ft.	>40 ft.	None required
Lot Area § 401	4,000 sq. ft.	5,088 sq. ft.	5,088 sq. ft.	None required
Lot Occupancy § 403	40 % max.	24 %	40 %	None required
Rear Yard § 404	20 ft. min.	26.75 ft.	36 ft.	<b>None required, but requested by Applicant</b>
Side Yard § 405	8 ft. min.	10 ft.	10 ft. +	None required
Parking § 2101.1	1 sp./4 teachers 3 spaces	1 space	0 spaces	<b>3 spaces</b>

**V. HISTORY**

Rainbow Child Development Center was issued a Certificate of Occupancy (COO) in 2006 for 15 children and 4 staff (COO 127804) and later obtained a revised COO for a total of 42 children. Although the Applicant had obtained a COO, the necessary special exception relief for the establishment of a Child Development Center use in the R-2 zone had not been obtained.

The Applicant received grant funds from the District’s Office of the State Superintendent of Education (OSSE) for the purpose of renovating and expanding the center, which is a Silver Tier OSSE-subsidized child development center. The Applicant applied for a building permit for the renovation and expansion and, in the course of reviewing the pending building permit application (B 1410043), the Department of Consumer and Regulatory Affairs (DCRA) determined that there had not been a prior building permit or BZA order granting special exception relief for the use.

**VI. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief pursuant to § 205 Child/Elderly Development Centers**

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

<sup>1</sup> Information provided by Applicant. See Exhibit 7.

Rainbow Child Development Center is a Silver Tier OSSE-subsidized facility. The Applicant was issued a COO for 42 children and has received funding from OSSE to expand.

- ii. *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.*

Rainbow Child Development Center would continue to be located north of the intersection of 57<sup>th</sup> Street and Eads Street, NE, two roads classified as local streets by the District Department of Transportation (DDOT).

The Capitol Heights Metro Station (blue and silver lines) is located approximately 0.77 miles from the subject site. The center also is served by the U8 and X9 (limited) Line Metrobus Routes, which stop near the subject property along 58<sup>th</sup> Street NE.

Most children are expected to be walked to the site. On-street parking would continue to be available for parents dropping-off or picking-up children by car on 57<sup>th</sup> Street NE.

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

The center has one off-street parking space, which will be removed as a result of the proposed addition. The Applicant has stated that three staff members presently drive to the center and park on the street. Parents dropping off or picking-up children at the center also use on-street parking. The center should close the existing curb cut, as it will no longer provide access to an off-street parking space.

- iv. *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 is located and designed in such a way that there should be no objectionable impacts on adjacent or nearby properties. The center is located on 57<sup>th</sup> Street NE, which is a dead end street. Drew Elementary is located to the west of the center across 57<sup>th</sup> Street NE. To the south, at the intersection of 57<sup>th</sup> Street and Eads Street NE, is a lot that is improved with a one-story garage that serves Dunn and Sons Funeral Services (5636 Eads Street NE).

- v. *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.*

57<sup>th</sup> Street NE has a sidewalk on the west side, along the Drew Elementary frontage; however, there is not a sidewalk on the east side of 57<sup>th</sup> Street NE at the subject property. Installation of a sidewalk on the east side of 57<sup>th</sup> Street NE would provide a safe means of access for the center. Furthermore, the proposed addition would be constructed at the front property line, adjacent to 57<sup>th</sup> Street NE and a sidewalk would improve access to and from the center at the proposed entry/exit doors located in the addition.

The center is surrounded by a 6-foot wooden fence that is in disrepair, which should be replaced to adequately screen the Center and play area from adjoining properties. The Applicant should close the existing curb cut on the property and coordinate with DDOT regarding installation of a sidewalk on the east side of 57<sup>th</sup> Street NE.

- vi. *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.*

Children at the center use the playground at Drew Elementary School, which is across 57<sup>th</sup> Street NE to the west. As stated above, installation of a sidewalk would ensure safe access for the children and staff from the center to the crosswalk at the intersection of 57<sup>th</sup> Street and Eads Street NE.

- vii. *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 facilities.*

The All My Children Child Development Center is located at 510 59<sup>th</sup> Street NE, which is within 1,000 feet of the Rainbow Child Development Center. All My Children was issued a COO in 2008 for 15 children and 4 staff. The two facilities have operated simultaneously since 2008 without issue and should not have an adverse impact on the neighborhood due to traffic, noise, or operations.

- viii. *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 application was referred for written report on March 25, 2015. (See Exhibits 15, 16, 18, and 19.)

- ix. *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.*

OSSE has not provided comments on the subject application; however, the center is an OSSE-subsidized facility and has received a Silver Tier designation from OSSE.

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

The proposed expansion of the child development center would permit a neighborhood serving use to expand to better meet the demands of the community, in conformance with § 205 of the Zoning Regulations and the zoning of the subject property.

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

The proposal would allow for the expansion of an existing child development center to serve the needs of surrounding community. ANC 7C voted to support the requested relief.

**d. Variance Relief from § 2101.1, Parking**

*i. Exceptional Situation or Condition Resulting in a Practical Difficulty*

The triangular shape of the property, in conjunction with the location of the existing building on the property, limits where the applicant could site the required three parking spaces on the property. Although the applicant is proposing to place the addition where an existing parking space is located, which will result in the loss of the space, the curb cut will be closed to create an additional on-street space.

*ii. No Substantial Detriment to the Public Good*

The placement of the proposed addition would take the space of the existing parking space on the property; however, elimination of the curb cut will result in additional on-street parking on 57<sup>th</sup> Street NE. Currently, three (3) of nine (9) staff drive to the center and it is anticipated that the majority of staff would continue to take transit should the center expand. The majority of parents walk their children to the center. The center is located on a dead end block that it shares with Drew Elementary School, which has an onsite parking lot. Approximately 18 of the children at the center have older siblings at Drew Elementary School so parents are able to combine trips for drop off and pick up.

*iii. No Substantial Harm to the Zoning Regulations*

The property does not have alley access. There are no Residential Permit Parking (RPP) restrictions on 57<sup>th</sup> Street NE. The applicant indicates that sufficient on-street parking is available to serve the needs of the center clients and staff. Therefore, granting the requested parking relief should not result in substantial harm to the Zoning Regulations.

**e. Variance Relief from § 404.1, Rear Yard**

*i. Exceptional Situation or Condition Resulting in a Practical Difficulty*

The property is irregular in shape and the placement of the existing building on the lot restricts the ability of the applicant to construct an addition that meets the rear yard setback requirement.

*ii. No Substantial Detriment to the Public Good*

The applicant is proposing to place the addition at the front property line, providing as large a rear yard setback as is possible given the irregular shape of the lot and the placement of the existing building.

*iii. No Substantial Harm to the Zoning Regulations*

The proposed addition should not cause substantial harm to the Zoning Regulations as the applicant is proposing a one-story addition that would be located at the front of the property, which would provide separation between the proposed addition and the adjacent property at 505 ½ 57<sup>th</sup> Street NE.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments had been received from other District agencies at the time this report was written.

### VIII. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 7C voted unanimously to support the application at its May 14, 2015, meeting.

Attachment: Location Map

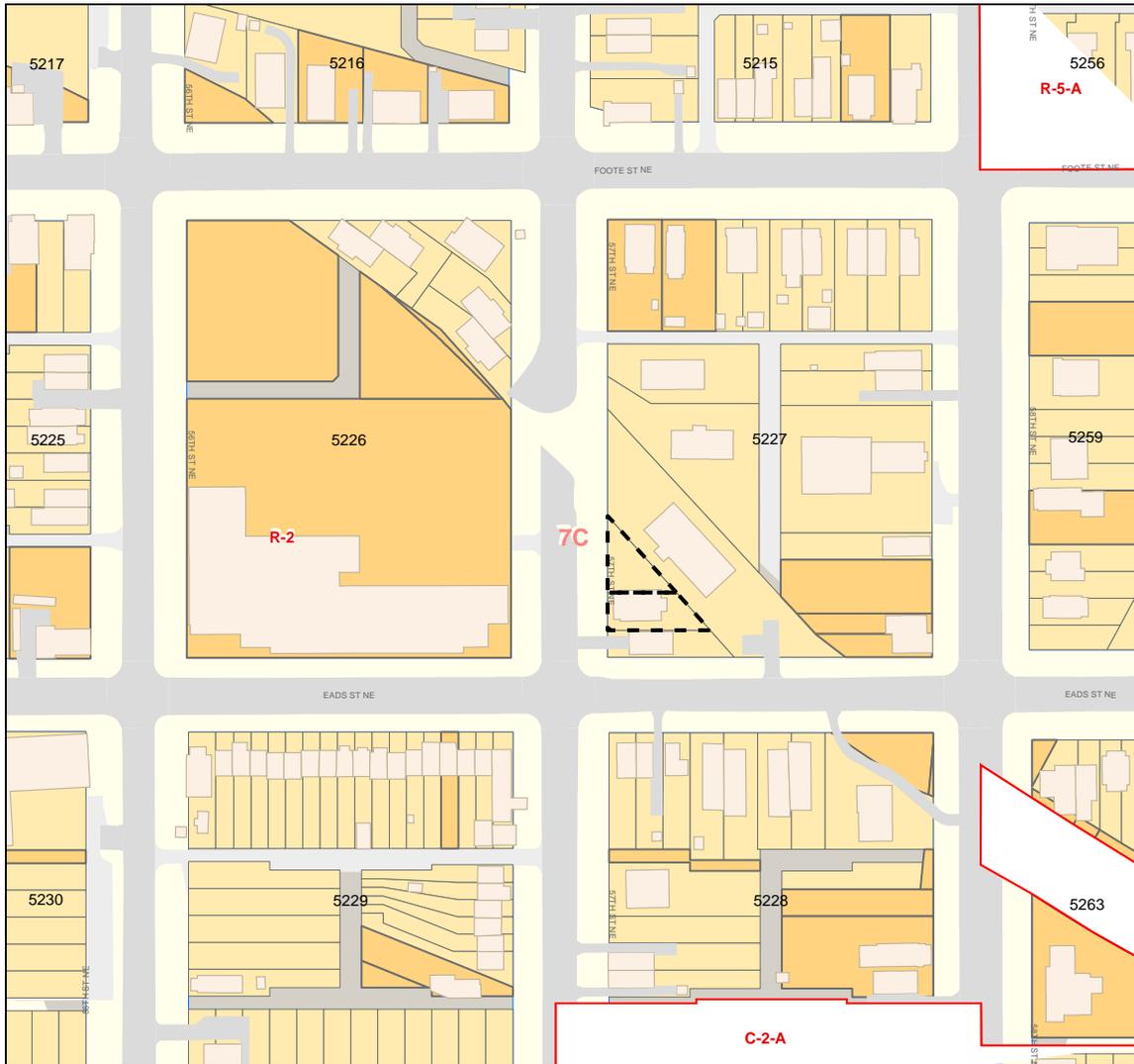


Figure 1: Location Map