

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application Number 14651 of Robert R. DeLuca, pursuant to Section 3108.1 of the Zoning Regulations, for a special exception under Section 205 for use as a child development center for forty children, ages two through eight, in an R-5-B District at premises 2630 Adams Mill Road, N.W., (Square 2547, Lot 808).

HEARING DATE: July 29, 1987

DECISION DATE: July 29, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the west side of Adams Mill Road, across from Ontario Place and adjacent to Rock Creek Park and is known as premises 2630 Adams Mill Road, N.W. It is zoned R-5-B.

2. The property is developed with a recently renovated four-story brick apartment building. The apartment building contains thirty-seven one- and two-bedroom units, approximately twenty percent of which are reserved for rental under the District's Tenant Assistance Program.

3. The immediate area is generally characterized by mid-rise apartment buildings, some of which are currently undergoing renovation.

4. The site abuts Adams Mill Road to the east, a fifteen foot wide public alley to the south and city-owned parkland to the north.

5. The applicant proposes to use approximately 2,260 square feet of area on the ground floor of the apartment building for a child development center for forty children and seven staff.

6. Prior to purchase and renovation of the subject premises, the applicant entered into a Memorandum of Understanding with the D.C. Department of Housing and Community Development. Item No. 7(b) of that Agreement provides that the applicant file with appropriate agencies for permission to locate a leased day care center on the ground floor of the subject premises. The subject application has been filed in accordance with that proviso.

7. The proposed child development center will be operated by the Spanish Education Development Center, a non-profit, community-based organization which provides a bi-lingual pre-school for low-income Spanish-speaking children in the Adams-Morgan, Mount Pleasant and Columbia Heights areas of the District. The SED Center presently operates a facility for sixty children at 1840 Kalorama Road, N.W. The proposed operation will allow the SED Center to provide services for forty additional children at the subject premises.

8. The proposed facility will operate from 7 A.M. to 6 P.M., Monday through Friday. Outdoor play area will be located in the adjacent park which is accessible by a stairway leading directly from the child development center without passing by any other property or encountering any unsafe conditions. Outdoor play hours will be staggered so that all the children will not be outdoors at any one time.

9. There is a nine-car parking garage at the rear of the apartment building which is accessed from the adjacent public alley and is reserved for tenant use. The applicant proposes to provide two surface parking spaces, also accessed from the public alley, between the subject building and the western property line. These parking spaces will be separated from the adjacent patio space by planter boxes and shall be for the exclusive use of the child development center.

10. The applicant is undergoing negotiations with the D.C. Department of Public Works to install curb cuts off of Adams Mill Road and paving necessary to provide a pull-off lane. The pull-off lane will allow for vehicles to exit the main flow of traffic along Adams Mill Road, discharge or pick-up children, and re-enter the traffic flow in an efficient and safe manner.

11. Discharge of children is staggered during the hours of 7 A.M. and 9:30 A.M. Pick-up of children is staggered during the hours of 3:30 P.M. to 6 P.M. Children are escorted from vehicles to the facility by their parents or guardians.

12. Based on its existing operation, the SED Center estimates that no more than thirty percent of the children will arrive in automobiles. The remainder will walk with their parents from the immediate area or travel on public transportation. Adams Mill Road is directly served by two Metrobus routes.

13. The applicant expects a maximum of seven staff persons to be on site at any one time, including four teachers, one supervisor, a part-time cook and a receptionist-secretary. No more than two staff persons are

expected to drive to the facility. There is commercial parking available nearby at 18th Street and Columbia Road.

14. The proposed facility should not have an adverse impact in terms of noise. The indoor area is equipped with acoustical tiling and carpeting to lower the sound level. The outdoor play area is buffered on two sides by additional parkland, by the subject building and by Adams Mill Road.

15. The applicant proposes to provide two signs advertising the proposed use. There will be an 18" x 18" sign placed on the wall of the building near the entrance to the child development center and a 2' x 4' sign on wooden posts in the ground to the right of the steps leading to the facility.

16. There are no other child development centers within 1,000 feet of the subject property.

17. The application was referred to the Service Facility Regulation Administration of the D.C. Department of Consumer and Regulatory Affairs as required by the Zoning Regulations. By memorandum dated July 13, 1987, that Department acknowledged receipt of the referral but did not address the merits of the case or make a recommendation on the application.

18. The Office of Planning, by memorandum dated July 22, 1987, recommended that the application be approved. The Office of Planning indicated that it was advised by the Service Facility Regulation Administration that the facility could meet the requirements needed to establish a child development center for forty children. The Office of Planning was of the opinion that the application meets the criteria for approval of a special exception set forth in Section 205 of the Zoning Regulations. The Board concurs with the recommendation of the Office of Planning.

19. By memorandum dated July 8, 1987, the Department of Public Works indicated that the proposed child development center will have a negligible impact on the local street system with the provision of two on-site parking spaces as required by the Zoning Regulations. The Board so finds.

20. By letter dated July 17, 1987, Advisory Neighborhood Commission 1C indicated its support of the application based on the description of the program offered at the facility and the agreements reached between the applicant and the ANC relating to community improvements.

21. There was no opposition to the application at the public hearing. The record contains one letter in opposition to the case. That opposition was based on the

potential increase in traffic and additional demand for parking created by the facility in an already congested area. Based on the testimony presented, reports of government agencies, and evidence of record, the Board finds that the proposed facility, as hereinafter conditioned, will not significantly impact traffic in the immediate area.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate substantial compliance with the requirements of Sections 205 and 3108.1 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed facility is capable of meeting all code and licensing requirements. There is no other child development center within 1,000 feet of the subject site. The proposed facility, as hereinafter conditioned, will not cause adverse effects or unsafe conditions created by traffic, parking or noise.

The Board concludes that it has given the ANC the "great weight" to which it is entitled. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said regulations and map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS from the date of this Order.
2. The applicant shall provide two on-site parking spaces between the building and the western property line reserved exclusively for use by the child development center.
3. The number of children shall not exceed forty. The number of staff shall not exceed eight.
4. The facility shall be brought into compliance with all applicable municipal codes.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris, not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

AUG 11 1987

FINAL DATE OF ORDER: \_\_\_\_\_

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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