GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application 14736, as amended, of 1436 - 1438 Meridian Place General Partnership, pursuant to 11 DCMR 3108.1, for a special exception under the provision of Section 352.1 and 205, to increase the number of students in an existing child development center from 15 to 28 students and 5 staff in an R-5-B District at premises 1436 Meridian Place, N.W., (Square 2681, Lot 683).

HEARING DATE: February 17, 1988
DECISION DATE: February 17 and April 6, 1988

FINDINGS OF FACT:

1. The site is located on the south side of Meridian Place, N. W., and is known as premises 1436 Meridian Place, N.W. The site is located in an R-5-B District.

2. The applicant's original application proposed to use approximately 1,175 square feet of area on the basement level of the apartment building for a child development center for thirty-six children and eight staff. By letter, dated January 22, 1988, the applicant amended the application to reduce the number of children to twenty-eight and staff to five.

3. The property is developed with a recently renovated four-story, with basement brick apartment building. The building contains a total of twenty-eight efficiencies, one, two and three-bedroom units, with nine units reserved for rental under the District's Tenant Assistance Program (TAP). Due to several emergency set-aside cases brought to the attention of the applicant by various District agencies, actual TAP occupancy was increased to eleven. The property has been developed in conjunction with an identical building, directly adjacent to the subject premises, containing a total of thirty efficiency, one, two and three-bedroom units. This building houses an additional eleven TAP tenants.

4. The site abuts Meridian Place to the North; the applicant's adjoining property, 1438 Meridian Place, N.W., on the West, divided by a common area developed into a playground, a ten foot public alley to the east, and by a 15 foot public alley to the south.

5. The immediate area is generally characterized by residential row housing, with three four-story plus basement apartment buildings located in the center of the block. Similar structures are located to the south or rear of the site. These structures front on Newton Street, N.W.

6. The subject property, together with the 1438 Meridian Place property was acquired by the applicant under the District of Columbia's Tax Abatement and Incentives Program for New and Vacant Rental Housing of the Rental Housing Act of 1985.

7. The proposed child development center will be operated by the Calvary Multicultural Learning Center, a non-profit, community-based organization which provides a bi-lingual pre-school in the Columbia Heights, Adams Morgan and Mt. Pleasant areas. Their primary location is on Columbia Road, N.W., in connection with the Calvary United Methodist Church, its sponsoring organization. They currently provide child care to low-income (through City subsidy programs), and market rate neighborhood families. The proposed operation will allow an expansion of their existing Columbia Road program.

8. The proposed facility will operate from 7:00 A.M. to 6:00 P.M., Monday through Friday. An outdoor play area, with both active and passive play equipment, was constructed by the applicant in an open area of approximately 30 feet by 130 feet which has been fenced at the street and alley. This area is accessible to the child development students, either from an exterior door from the basement hallway of the property, or by sidewalk in front of the property, allowing for safe access to the play ground.

9. Nine surface parking spaces are available on the site at the east side of the building. These spaces are accessible from the public alley. Two of these spaces have been reserved for the exclusive use of the child development center.

10. The main entry to the child development center is provided on the east side of the building, approximately five feet from the building front. This allows for drop-off and pick-up of the children directly from the public alley and adjacent parking lot of the building, without the obstruction of traffic on Meridian Place which is one-way. The safety of the drop-off and pick-up is further enhanced by the availability of alleyways leading from the east side of the property directly to 14th Street, without re-entry to Meridian Place.

11. Discharge of children is staggered during the hours of 7:00 A.M. and 9:30 A.M. Pick-up of children is

staggered during the hours of 3:30 P.M. to 6:00 P.M. Children will be escorted from vehicles to the facility by their parents, or escorted from the vehicles by a staff member, from a designated drop-off point. All discharge and pick-up is removed from any main roadway, directly adjacent to the sidewalk leading to the entry of the center.

12. Based upon its existing operation, and the number of children within the age group to be serviced living within the property and the adjoining neighborhood, the operator estimates that no more than twenty percent of the children will arrive in automobiles.

13. The applicant expects a maximum of five staff persons to be on site at any one time, including two teachers, two aides, and one assistant teacher. No more than two staff people are expected to drive. Some of the staff are residents of the building and neighborhood. Seven additional parking spaces are available on the property, and off-site parking is allowed on Meridian Place.

14. The indoor area is equipped with acoustical ceiling tile and insulation in the walls which abut common hallways or adjoining residential units. The outdoor play area is buffered on two sides by the four story structures comprising the subject property and the adjacent building owned by the applicant.

15. The applicant proposes to provide a sign advertising the proposed use. There will be a 12 X 14 inch sign placed on the wall of the building near the entrance to the child development center. In addition, a canopy has been installed above the entrance door to the child development center imprinted with "Calvary Learning Center".

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, received February 9, 1988, that Department acknowledged receipt of the referral and stated that when all deficiencies are corrected the facility can meet the licensing requirements.

18. The Office of Planning (OP), by memorandum dated February 5, 1988, recommended that the application be approved. The OP 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 twenty eight children. The OP 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 January 14, 1988, the Department of Public Works indicated that the proposed child development center will have a negligible impact on the surrounding street system, and is within short walking distance of 14th Street, which provides three Metrobus routes. The provision of two on-site parking spaces for the personnel of the child development center exceeds that required by the Zoning Regulations. The Board so finds.

20. By letter dated February 17, 1988, Advisory Neighborhood Commission (ANC) 1A indicated its support of the application based on the description of the program offered at the facility. The Board noted that the ANC report was not submitted within the time set forth under the Board's Rules.

21. The record contains a letter form two residents of the neighborhood supporting the special exception.

22. A neighboring property owner testified at the public hearing that he was concerned about traffic impact on the ten foot wide alley to the east of the subject property. This alley is the only access to his property which is leased to car repair tenants. The Board finds that the applicant will take measures to assure that the alley will not be blocked by persons associated with the child development center.

23. Prior to issuing the final order, the Board reconsidered its decision to include a time limit on its approval of the application. The Board considered the proposed use of the adjacent ten foot alley by the child development center and the alley being the principle vehicular access to a neighboring cab company and auto repair shop approved by the Board. The child development center would be a newly established use at the site and a time limit would allow the Board to assess the effects of the center on 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 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. The number of students shall not exceed twenty-eight. The number of staff shall not exceed five.

2. The hours of operation shall not exceed from 7:00 A.M. to 6:00 P.M., Monday through Friday.

3. Two on-site parking spaces shall be reserved and clearly marked for the exclusive use of the facility.

4. A staff member shall escort children between vehicles and the facility during drop-off and pick-up periods.

5. The operator shall make every effort to ensure that vehicles dropping off or picking up children shall not obstruct traffic in the public alley.

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

MOTION: April 6, 1988

On a motion by William F. McIntosh and seconded by Charles R. Norris, the Board approved an additional condition that approval of the application shall be for ONE YEAR, by a vote of 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, and Carrie L. Thornhill to grant).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 7 1988

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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