

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14943, of Edgewood Associates Limited Partnership, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 and 350.4(g) to establish a child development center for seventy-seven children, ages two through fourteen years, one director, five teachers and five aides, on the first floor in an R-5-C District at premises 601 Edgewood Street, N.E., (Square 3630, Lot 807).

HEARING DATE: November 18, 1988
DECISION DATE: November 18, 1988 (Bench Decision)

1. At the public hearing, the applicant amended the application to increase the number of staff from four teachers and four aides to one Director, five teachers and five aides.
2. The subject site is located between 6th and 7th Street, N.E., on the south side of Edgewood Street and is known as 601 Edgewood Street, N.E. The site is zoned R-5-C.
3. The site is an irregular shaped lot containing the Edgewood Terrace Apartment complex. The child development center will be located on the ground floor of an eight story apartment building at 601 Edgewood Street. The ground floor space is presently vacant and partially finished.
4. The site is located directly north of the Rhode Island Avenue Shopping Center in the C-M-2 District as well as property to the east of the site. The property to the north and west of the site is zoned R-4 and is characterized by single-family row house development.
5. The applicant is seeking a special exception to locate a child development center for more than 15 children at the subject site pursuant to 11 DCMR 205.
6. The applicant is proposing a child development center of seventy-seven children, ages two through fourteen years, a staff director, five teachers and five aides. The child development center will be established and operated by the United Planning Organization (UPO). The center will be operated five days per week from 7:00 A.M. to 6:00 P.M. The center will also operate a before and after school program for children six to fourteen years of age.

7. The child development center will be administered and monitored by the UPO, Preschool and Day Care Division. The program promotes the parent as the primary educator of his child and acts as an advocate for the rights of the families served. Parents are involved in the development of program goals and objectives through their participation in parent - teacher meetings, in parent advisory groups and on planning committees. The center will help ease the demand for daycare in the vicinity of the center and the District of Columbia.

8. Many of the children will live within walking distance of the center. Those who are driven will enter the parking lot to the Edgewood Terrace Apartment Complex near 7th Street. The parking lot just east of the center, will be used as the drop-off and pick-up area for the children. The center will require that all children be escorted to and from the door when entering and leaving the facility.

9. On-site parking is provided by two parking lots which contain approximately seventy and thirty parking spaces respectively. Based on the parking requirement of one space for each four teachers and other employees under section 2101 of the Zoning Regulations, a total of three parking spaces area required for the proposed eleven employees. At least three spaces will be designated for use by the child development center. The center will have occasional visitors, including prospective applicants who visit the center or parents who join their children for lunch and or meet with teachers. Visitors who drive may utilize the one-site parking adjacent to the facility.

10. The outdoor play area is located in a court yard immediately adjacent to the center. However, most of the daily activities are conducted inside the center. All of the children will be carefully supervised while in the outdoor play area. To minimize noise to adjoining neighbors within the apartment complex, the children will not play in the outdoor play area in the early morning or evening hours. The children will be supervised when traveling to and from the play area.

11. One child development center is located within 1000 feet of the proposed center. The Miniature World, Inc., is located at 611 Edgewood Terrace, N.E. and has a capacity of forty-eight children.

12. The Board at the public hearing waived its Rules and received into the record the report of Advisory Neighborhood Commission (ANC) - 5C, dated November 16, 1988. The ANC-5C report opposed the application without stating any issues and concerns. The Board notes that the ANC report was deficient in meeting the Board's Rules for accepting ANC reports.

13. The Board disagrees with the opposition of ANC-5C with the application. The Board finds that the child development meets the special exception criteria under Section 205 and 3108.1. The center can meet all applicable code and licensing requirements. There will be ample off street parking to meet the needs of the center. There will be well located and safe drop-off and pick-up of children. Play area for the children is located and designed to not have an objectionable impact due to noise, activities, visual or other objectionable conditions. The Board finds the cumulative effect of another child development center within 1000 feet of the proposed center to be negligible and that the combined facilities will not have an adverse impact on the neighborhood due to traffic, noise or operations. The Board finds there is considerable demand for the facilities within the neighborhood.

14. The Office of Planning (OP) by report dated November 14, 1988, recommended that the application be conditionally approved. The OP believes that the early childhood development program will benefit both the children and parents of a neighborhood where this service is particularly needed. The program addresses the needs of the whole family. The program will aid parents by allowing them to seek employment knowing that their children are being well taken care of before, during and after school.

The OP is of the view that the proposed facility can meet all licensing requirements and does not expect any cumulative adverse impacts in the area with two child development centers located within a 1,000 feet of each other. However, the OP does recommend that the application be conditioned on the number of children permitted to use the outdoor play area at any one time.

15. The Board agrees with the recommendation of the OP, except the proposed condition to limit the number of children in the outdoor play area at any one time. The Board finds that there is no basis or need to require a limit on the number of children in the play area. The applicant will provide the necessary supervision including the determination of when and how many children will play at one time to minimize any adverse effects on the apartment complex.

16. The Service Facility Regulation Administration of the Department of Consumer and Regulatory Affairs, by memorandum dated November 10, 1988, indicates that the proposed plans for the child development center meet the requirements of the D.C. Code.

17. No one appeared in favor of or in opposition to the application at the public hearing. A petition signed by by eighteen residents in the area opposing the application was filed into the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. To be granted a special exception, the applicant must demonstrate that it has complied with the requirements of Section 205 and 3108.1 of the Zoning Regulations.

The Board concludes that the applicant has met the requirements for a special exception. The child development center is so located and designed as to not cause any significant adverse impact to the apartment complex or nearby property due to noise operations, traffic or other conditions. The center can meet all applicable code and licensing requirements. There will be sufficient off-street parking to meet the needs of the staff and visitors. The pick-up and drop-off of children will be located and conducted in a safe manner. The play area is contiguous to the facility and will have a minimal noise impact on the apartment complex. The cumulative effect of another child development center within 1,000 feet of the proposed site will not have an adverse impact on the neighborhood.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and would not tend to adversely affect the use of neighboring property in accordance with said regulations and Map. Affected ANC-5C was accorded the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The Child Development Center shall serve a maximum of 77 children, ages 2 through 14 years, and provide a staff of one Director, 5 teachers and 5 aides.
2. The hours of operation shall be Monday through Friday from 7:00 A.M. to 6:00 P.M.
3. The Child Development Center shall be located on the first floor in accordance with the plans marked as Exhibit No. 28 of the record.
4. Three off-street parking spaces shall be provided for use by the Child Development Center in the existing parking lot immediately to the east of the facility.
5. The pick-up and drop-off of children shall occur from the existing parking lot immediately to the east of the facility.

6. The Child Development Center shall meet all applicable licensing requirements of the District of Columbia.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh 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: FEB 24 2011

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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