



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



Mr. Clifford Moy
Secretary, Board of Zoning Adjustment
Office of Zoning
441 4th St NW, Suite 210S
Washington, DC 20001

Re: BZA Case 18203 (1329 North Carolina Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on April 14, 2011, our Commission voted 7-0-0 (with 4 Commissioners required for a quorum) to oppose the request for a special exception to permit a child development center (24 children with nine (9) infants from zero (0) to twenty-four (24) months old, and fifteen (15) children from two (2) to twelve (12) years old, and eight (8) staff under section 205) in a R-4 District.

The Commission notes that at the March 16th, 2011 meeting the ANC's Economic Development and Zoning Committee, the applicant stated that their application would be amended to reduce the request to 18 children. The Commission opposes this application because it does not meet the tests for the special exception.

Specifically, it does not meet the following requirements:

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

The applicant will be unable to provide the required outdoor play area. The applicant proposes to use the small front yard as the play area (the applicant has committed all available space in the rear yard to parking). Title 29 Ch. 367 of the DCMR requires that the front play area be surrounded by a fence and gate that is a minimum of four feet and one-half feet (4.5 ft) tall and requires that the fence be designed to discourage climbing. The applicant is unable to meet this requirement since the property lies within the Capitol Hill Historic District which limits front yard fence heights to three and one-half (3.5) feet tall and requires fences with an open design. Additionally, the applicant is required to install a ramp for handicap access at the front entrance. There is insufficient space in the front yard to accommodate both the play area and a handicap entrance ramp.

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 proposed child development center will be located on a heavily trafficked street - the 1300 block of N. Carolina Avenue, which is a major commuter thoroughfare. Westbound traffic routinely clogs the entire length of the block from 7 am to 9 am. There are few available on-street parking spaces within a block of the facility during the peak hours of drop off and pick up. As a result, the Commission believes that most of the center's clients will be forced to double-park on N. Carolina Avenue to drop-off and pick up their children, which will create objectionable traffic conditions and unsafe conditions for their children.

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

Although the plans show three parking spots, they are not legal spaces because the parking is stacked and does not meet the required dimensions. The ANC believes that there is only one legal parking spot at the rear of the structure while Section 2101 of the Zoning regulations requires two parking spaces. Additionally, all of the on street parking within one mile of the facility is restricted to two hour parking for non-residents or is metered parking.

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 applicant proposes to use the play area at Lincoln Park, but access to that play area requires crossing major streets. The Commission believes that the front yard will be heavily used as a play area but the applicant has not addressed how noise and visual impacts would be minimized. In addition, the proposed center shares party walls with two neighboring properties. Yet, the applicant has not proposed soundproofing or other means of reducing the elevated levels of noise that the center will produce. In addition, the applicants have not appropriately addressed how they will dispose of the large volume of waste including diapers that the Center will produce.

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.

Accessing the play area at Lincoln Park will require crossing North Carolina Avenue or East Capitol Street which are both heavily trafficked during commuting hours. The Commission believes that these conditions will endanger the Center's children.

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.

There is another child development center within 1000 feet of the proposed center, located at the Lincoln Park United Methodist Church – 1301 N. Carolina Avenue. Because the applicant incorrectly stated that they were the only center, they failed to address the cumulative effect of the centers in the application. In addition to the reasons cited above, the Commission is concerned that the applicant no longer plans to reside at the property – in effect converting it to commercial use. The Commission believes that the original intent of permitting Child Development Centers in residential zones was to allow for day care to be located in a primary residence, rather than permitting a fully commercial use in a residential zone.

Please be advised that Nick Alberti, David Holmes and Dan Golden are authorized to act on behalf of ANC 6A for the purposes of this case. Commissioner Alberti can be reached by phone at 202-329-1193 or by email at alberti6a04@yahoo.com.

On behalf of the Commission,

A handwritten signature in cursive script, appearing to read "David Holmes".

David Holmes
Chair, Advisory Neighborhood Commission 6A