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MEMORANDUM**TO:** District of Columbia Board of Zoning Adjustment**FROM:** Stephen Cochran, AICP, Case Manager
Joel Lawson, Associate Director Development Review**DATE:** April 10, 2012**SUBJECT:** BZA Case No. 18335, Request for Special Exception Relief at 7750 16th Street N.W.**I. OFFICE OF PLANNING (OP) RECOMMENDATION**

The Office of Planning (OP) recommends approval of special exception relief pursuant to § 205 for the continuation of a child development center including a daycare center at 7750 16th Street NW, subject to the following conditions, which are essentially identical to those previously imposed by the Board in Order 17896, which now governs this use on the site:

- The child development center shall enroll no more than 40 students, ages one and a half to five years old;
- The child development center's staff shall be limited to no more than 14 persons;
- Hours of operation of the child development center shall be limited to 7:00 a.m. to 6:30 p.m., Monday through Friday;
- The Applicant shall maintain the following traffic and parking management plan provisions:
 - Include the follow restrictions in its enrollment agreement with parents or guardians of students enrolled in the child development center and in the family handbook that it distributes to parents.
 - Disallow parents and caregivers from:
 - a. Driving through or into any of the 16th Street alleys to pick up or drop off students (except in the case of a physically disabled student, and then subject to certain conditions), or to attend meetings with staff members at the child development center;
 - b. Using any driveways to execute a three-point turn near the subject property;
 - c. Parking on Jonquil Street N.W. on either side of 16th Street N.W., or within five feet of the entrance of any garage or driveway in the community. Drivers will be encouraged to seek a parking space first on Kalmia Road west of 16th Street, then on Kalmia Road east of 16th Street, and, if more spaces are available at either location, park on 16th Street if permitted by applicable parking restrictions; and
 - d. Using a vehicle to transport a student to or from the subject property that does not display a placard provided by the child development center.
 - For at least 30 minutes during the morning and evening peak pick-up and drop-off periods, which the Applicant expects will be 8:15 a.m. to 8:45 a.m. and 5:15 p.m. to 5:45 p.m., the child development center will post at least one member of its staff at the entrance to the alley at Kalmia Road and 16th Street to direct drivers to park on Kalmia and walk students to the entrance of the center;

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- Employees of the child development center will monitor the parking area at the subject property during peak morning and afternoon activity, and randomly at other times, to assure that drivers comply with the neighborhood cooperation agreement;
- Employees of the child development center will park in the parking lot at the subject property, where at least four parking spaces will be reserved for their use. Staff drivers will enter on Jonquil Street and exit at Kalmia Road;
- The child development center will offer its staff an employee benefit to encourage the use of public transportation.

- The Applicant's facility will remain capable of meeting all applicable code and licensing requirements.

The Ethical Society has been at this location since 1966 and operated a high school between 1968 and 2000 for up to 40 children. BZA 16590 permitted a child development center for 40 children between ages 2 ½ to 6 and 6 staff to operate on the site from July 2000 until July 2003, after which pre-school summer camp operated for four years until 2007. The current special exception Order 17896 was granted in May 2009. It permits a child development center with 40 children ages 1 ½ to 5 ½, and 14 staff – the same profile as the applicant is now requesting.

There is, therefore, an approximately 46 year history of similar activities for an equivalent number of students being operated at this site. Because of this history, and because of the strong support the application has received from ANC 4A, **OP recommends** the following condition for the term of the approval:

- The approval shall be valid for a period of eight years from the effective date of the BZA Order.

II. APPLICATION IN BRIEF

The Washington Ethical Society requests permission to continue operating an existing child development center for a maximum of forty children between the ages of two and a half years and five years on the ground floor (basement) of the Washington Ethical Society (WES). The center is now operating under a three year term that expires May 20, 2012. The Board approved this as a special exception in Order 17896. The applicant is seeking similar special exception relief, but for a term longer than three years.

Address:	7750 16 th Street NW
Legal Desc.:	Square 2745F, Lot 81
Ward/ANC:	4A
Lot:	19,092 SF; 16' -wide alley at rear
Existing:	Two-story church building.
Zoning:	R-1-A – Low density single family & special exception uses.
Historic :	N/A
Adjacent Properties:	Abuts single-family residences Lowell School across alley.
Surrounding Neighborhood Character:	Low density single-family residences. Two synagogues to the south; Shepherd School to the east. Lowell School (PUD), <1,000 ft. to west, includes a child development center.



IV. COMPARISON OF EXISTING AND REQUESTED SPECIAL EXCEPTION

As the following table shows, the requested special exception use would be identical to the existing approved operation:

	Existing	Proposed
Building	2 story, primarily church, building	2 story, primarily church, building
Use	Child Development Center.	Child Development Center.
Square Feet	2,275	2,275
Attendance	≤ 40 children, ages 1 ½ - 5 ½	≤ 40 children, ages 1 ½ - 5
Staff	14	14
Parking	13 (4 required) [None required for 1966 church].	13 (4 required) [None required for 1966 church].
Drop-Off & Entrance	Off of 16-foot wide alley at rear	Off of 16-foot wide alley at rear
Hours	7:00 a.m. to 6:30 p.m.	7 a.m. to 6:30 p.m.
Play Area	In rear yard, > 10 feet from nearest residence	In rear yard, > 10 feet from nearest residence
TMP	Same as noted in conditions of approval for present application.	Same as conditions noted in first section of this report.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

A child development center encompasses facilities generally known as child care centers, pre-schools, as well as before-and after-school programs. Permission to operate a child development center in the R-1-A district may be granted by the Board upon satisfaction of the special exception requirements of 11 DCMR § 205.

205.1 *Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 205.*

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

The Child and Residential Care Facilities Division of the Office of the State Superintendent for Education (OSSE) has approved the existing child development center, and similar facilities were accommodated previously. Certificates of Occupancy indicate that a private high school (1968 -2000), a daycare center (2000-2003), and a summer camp (2003-2007) for an equivalent number of children as currently proposed operated at this location.

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 applicant submitted a traffic study to OP and DDOT prior to the approval of the existing child development center. As a condition of that approval those dropping-off or-picking up children park on Kalmia Road and walk children to or from the school entrance off of the 16-foot wide alley that runs north/south between Kalmia and Jonquil Street. At least three staff persons are assigned to monitor the drop off and pick up activities, with arrivals staggered between 7:30 am and 10:00 am and pick-up between 2:30 and 6:00 pm. The school requires that families register their license plate number with staff, and receive a sign to put on dashboards while parking for drop-off or pick-up to mitigate concerns in the neighborhood regarding traffic.

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 facility would meet parking requirements. § 2101 requires 1 space for every 4 teachers and other employees. The rear of the building has 13 parking spaces, 4 of which are assigned to the daycare use for a staff of 14 persons.

- 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's play area is located in the side yard which is amply screened to reduce its visibility and is located more than 10 feet away from the adjacent residence to mitigate any noise impact from supervised play on the tot lot. The applicant has written that few if any noise complaints have been received and, since play is supervised, any objectionable conditions due to noise can be quickly addressed by staff.

- 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.*

OP did not observe any additional need for screening to protect adjacent properties beyond what already exists around the proposed outdoor play area.

- 205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center or facility itself.*

No off-site play area is proposed.

- 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.*

Based on a listing of child care facilities on the Department of Health's website, there is only one other facility within the 1000-foot radius. The Lowell School has a kindergarten-through-third grade program. Since the other center is not located on the same street as the applicant's, no cumulative adverse impacts are anticipated due to noise, traffic, or other similar factors.

- 205.9 *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 record indicates that the application was submitted to the appropriate agencies, including DDOT and DOH. DDOT submitted comments focusing on mitigation and Transportation Demand Management (TDM) measures. The majority of these were incorporated into the conditions attached to the approval for the existing child development center. They are listed in the final section of this report.

- 205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia. [ORDER No. 05-01; 12/01/06]*

The license exists.

Overall, the review of the zoning requirements and the past performance of the center indicate that the continued operation of the center would not adversely affect the use of neighboring property; the center is located indoors within a brick structure which mitigates any sounds generated by children within the center. The center has not and is not expected to generate unmanageable traffic in the immediate neighborhood. Both the church and approved special exception uses of the same size and type have operated satisfactorily in the past.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT's comments on the existing child development center were incorporated into the conditions of BZA's approval of Case No. 17896. DDOT had not filed a report for this application at the time OP prepared its report.

OP is not aware of OSSE filing comments with the Board on this application.

VII. COMMUNITY COMMENTS

As noted in its letter dated December 12, 2011, ANC 4A voted 7-0 to recommend approval of the application for "the maximum amount of time allowed by law before the next renewal submission requirement". The ANC noted that the Washington Ethical Society "has been a good neighbor and continues to meet with residents on a regular basis to resolve any issues as they may arise".