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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: September 4, 2012

SUBJECT: BZA 18392: Child Development Center, 5350 Chillum Place, NE

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 205 – Special exception to allow the conversion of an existing child development home to a child development center, subject to the following new conditions:
 1. Approval shall be for a period of 5 years.
 2. The number of enrolled children shall not exceed 12.
 3. The number of staff shall not exceed 2 staff persons.
 4. The hours of operation shall be from 7:00 AM to 6:00 PM.
 5. Outdoor activities shall be supervised and conclude by 6:00 p.m.
 6. One off-site parking space shall be provided as contracted, at 5348 Chillum Place NE.
- § 2116.5 – Special exception to permit an accessory parking space for the center off-site at 5348 Chillum Place, as agreed to between the applicant and the owner. Should the agreement cease, the applicant must provide the required space at the rear of the subject property.

II. LOCATION AND SITE DESCRIPTION

BOARD OF ZONING ADJUSTMENT
District of Columbia

Address	5350 Chillum Place NE	CASE NO. <u>18392</u>
Legal Description	Square 3751, Lot 0138	EXHIBIT NO. <u>32</u>
Ward, ANC	5, 5A	
Zoning	R-2 – Single family residential	
Existing Development	Two story residential semi-detached structure with basement, abutting a 16-foot wide public alley at the rear, to the south. The building houses a child development home for six children, operated by the applicant since December 2010. A child development home is permitted by-right in this zone.	
Surrounding Neighborhood Character	Majority single-family semi-detached homes in the R-2- District	



III. APPLICATION-IN-BRIEF

The applicant, Ms. Betty Williams, requests pursuant to 11 DCMR § 3104.1, a special exception under § 205 to allow a child development center (12 children and 2 staff persons) in the R-2 District at premises 5350 Chillum Place, N.E. (Square 3751, Lots 138). Special exception relief is also requested under § 2116.5 to provide one off-site parking space for the center's use, located on the neighboring lot at 5348 Chillum Place.

IV. ANALYSIS

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 this section.

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

The Office of the State Superintendent of Education, Division of Early Childhood Education, Compliance and Integrity Division, Child Care Licensing Unit (OSSE/ECE/CID/CCLU) recommends that the applicant be granted as stated in their April 27, 2012 memorandum which was submitted to the record.

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.

No objectionable traffic or unsafe drop-off conditions would result from the proposed change of the child development home to a center with 12 children. While drop-off and pick-up would take place curb side in front of the residence, according to the applicant, clients currently do not rely on personal vehicles for daily travel, as the site is within walking distance of clients, and to the Fort Totten metro station and on the route of three major bus lines. Drop off and pick up times vary for parents, so that there is no discernible traffic to and from the center. Due to the small addition to staff and the number of children, OP does not anticipate that it would be necessary to implement TDM measures to mitigate potential traffic or parking issues.

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 center would provide one parking space at the rear of the adjacent property, which would be accessed from the alley. This space can be used by both staff and visitors and would meet the requirement of the regulations.

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.

While OP understands that a child development home for six children has been in operation at this location since 2010, without disturbance to the community, the potential for noise might be increased with six additional children. Therefore, OP recommends all outdoor activities be monitored and conclude by 6:00 PM.

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 recommends that the rear yard be securely fenced to ensure the children's safety, if the applicant intends to include play equipment for children.

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.

Currently off-site play takes place daily at the playground of the LaSalle-Backus Recreation Center located within walking distance, 2 to 3 blocks from the home as shown on the map of Attachment I. The applicant intends to continue this arrangement if the application is approved. There are adequate sidewalks in the neighborhood to facilitate safe walking by the assisted children to the center to cross the Hamilton and 7th Street NE intersection.

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.

According to GIS records, there seems to be only one other child development center in the immediate neighborhood, located approximately 2,000 feet northwest of the site at Riggs Road. OP is aware of no neighborhood concerns about having these centers located in the neighborhood, and the two centers would not appear to result in cumulative impacts.

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 application was submitted to the appropriate agencies. OP has not received comments to date.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

The Office of the State Superintendent of Education, Division of Early Childhood Education, Compliance and Integrity Division, Child Care Licensing Unit (OSSE/ECE/CID/CCLU) recommends that the applicant be granted. Their April 27, 2012 memorandum has been submitted to the record.

Special exception to permit an accessory parking space at 5348 Chillum Place

2116.5 **Except as provided in § 2117.9, if approved by the Board of Zoning Adjustment pursuant to § 3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, in accordance with §§ 2116.6 through 2116.9.**

The applicant has requested that the required parking space for staff be located next door to the proposed center and has secured a signed agreement with the abutting property owner to the east to accommodate the required parking.

2116.6 **The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:**

- (a) Unusual topography, grades, shape, size, or dimensions of the lot;**
N/A
- (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;**
N/A
- (c) Traffic hazards caused by unusual street grades; or**
N/A
- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.**

The existing parking pad at the rear of the subject property could not reasonably accommodate an additional legal sized parking space. Permitting the required parking next door would prevent the loss of green space which would be allocated to the play area at the rear. Therefore, this would be a more efficient and environmentally sensitive use of the limited open space on the property. The homeowner next door who has agreed to the parking arrangement would be able to accommodate the required parking for the residence, as well as the requested space.

2116.7 **When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located,**

the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.

The leased space would be located adjacent to the applicant's lot.

- 2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.**

The leased area would be an open parking area easily accessed via the 16-foot wide alley at the rear, and would be convenient for the employee who may wish to park, to enter the center through the rear yard of the subject property.

- 2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.**

OP recommends that should the agreement between the applicant and the abutting neighbor cease, then the applicant should provide the required space at the rear of the subject property.

V. COMMENTS OF OTHER DISTRICT AGENCIES

OP understands that the District Department of Transportation will submit comments under separate cover. As noted above, OSSE has already supplied comments recommending approval of the application.

VI. COMMUNITY COMMENTS

In a regularly scheduled meeting on July 25, 2012, ANC 5A voted to support the special exception relief to permit the child development center and its accessory parking off-site.

VII. ATTACHMENT

1. Vicinity Map



**Attachment 1
Vicinity Map**