



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: December 4, 2012
SUBJECT: BZA Case 18464 – 4124 3rd Street, N.W., to allow a child development center for 24 children

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 205, Child Development Center; and
- § 2101 (2 off-street parking spaces required, none proposed).¹

Subject to the following conditions:

1. The maximum number of children shall be 24.
2. The maximum number of staff shall be 6.
3. No more than eight children shall be permitted within the outdoor play area at any one time.
4. The hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday.

II. LOCATION AND SITE DESCRIPTION

Address	4124 3 rd Street, N.W.
Legal Description	Square 3312, Lot 61
Ward	4
Lot Characteristics	Rectangular lot with alley access
Zoning	R-4 – row dwellings residence district
Existing Development	Two-story row house used as a child development center in the basement and first floor and a rooming house on the second floor
Adjacent Properties	North, South and West: row dwellings East: Across 3 rd Street, offices
Surrounding Neighborhood Character	Residential with neighborhood serving retail

¹ The applicant revised the application to request parking relief on November 20, 2012.



III. APPLICATION IN BRIEF

The subject property is currently operated as a child development center, permitted as a matter-of-right pursuant to Section 330.5(d) for up to sixteen children within the R-4 zone. The applicant requests to increase the number of children to 24, requiring special exception approval by the BZA. The number of staff would increase from four to six. The hours of operation, 7:00 a.m. to 6:00 p.m. and the maximum of eight children at a time permitted within the play area in the rear yard at a time are not proposed to change. The center accepts children between six weeks and six years of age, although it is licensed for up to twelve years of age.

One parking space is currently provided within the rear yard, within the fenced area that also includes the outdoor play area. The applicant proposes to eliminate this space to avoid any conflicts with the play area. Zoning would require two spaces.

The second floor is used as a rooming house, with no access to either the child development center or the rear yard.

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2101, Number of Parking Spaces Required

i. Exceptional Situation Resulting in a Practical Difficulty

Although the rear yard, which is twenty feet wide and 25 feet deep, is large enough to accommodate two off-street parking spaces, conversion of the rear yard to two parking spaces would almost totally eliminate the ability of the applicant to provide an outdoor play area for a child development center. An outdoor play area is a necessary component for the center, and eliminating it would be an exceptional situation resulting in a practical difficulty.

ii. No Substantial Detriment to the Public Good

Currently one staff member drives to the center and one child arrives by car. The rest either walk or take public transportation. The applicant expects that this ratio would continue, minimizing the need for off-street parking. The proposed increase of children by eight and the concurrent increase in staff by two are minor. As the applicant expects that these ratios would continue following the expansion of the child development center, there should be no substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The variance to reduce the parking to zero would not result in substantial harm to the Zoning Regulations. Adequate street parking is available for the one staff member that drives. The site and the majority children do not arrive by car. The applicant expects that this ratio would continue following the expansion in the maximum number of students and the increase in staff.

b. Special Exception Relief pursuant to § 205

i. Child development centers are permitted by special exception subject to the following criteria:

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

The application indicates that the expanded center would be capable of meeting all application code and licensing requirements. It is currently licensed by Office of the

State Superintendent of Education (OSSE), accredited by the National Association for the Education of Young Children, and in possession of a Certificate of Occupancy for a child development center from DCRA.

- 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 application indicates that most of the children live, walk or take public transportation to the center, with only one arriving by car. As almost all of the children would continue to be expected to walk or come by public transportation, there would be no resulting objectionable or unsafe conditions for the picking-up and dropping-off of children. At the most, the applicant expects that no more than three or four cars would arrive in the morning over a two hour period and three or four in the evening over a two hour period, or an average of one car every fifteen to twenty minutes.

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

A request for variance relief to reduce the number of off-street parking spaces from two to zero is included as a part of the application.

- 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.*

An outdoor play space is currently operated within the rear yard with no more than eight children at a time. Letters to the file from the adjacent neighbors in support of the application indicate that there are no objectionable impacts. No change in how the outdoor play area is used is proposed, with the applicant continuing to permit no more than eight children outside at a time.

- 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.*

The Office of Planning makes no recommendations for special treatment. Adjacent neighbors to the north and south, and one located across 3rd Street, submitted letters to the file in support of the application.

- 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.*

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.

The Office of Planning is unaware of any other child development centers within the subject square or within 1,000 feet.

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.

No reports were received.

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 (OSSE), in a memorandum dated October 11, 2012, recommended that the application be approved and that the licensure capacity would be based on the issued Certificate of Occupancy.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is to permit the expansion of an existing child development center as permitted by special exception within the R-4 district. The center would continue to be a neighborhood amenity, primarily serving neighborhood families and residents.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The continued use of the first floor and basement of the building as a child development center would not affect adversely the use of neighboring property. The use would continue to take place primarily indoors, with a maximum of eight children permitted within the outdoor play area at a time. Adjoining neighbors on either side submitted letters to the file in support of the special exception request.

V. COMMUNITY COMMENTS

ANC 4C, at its regularly scheduled meeting of October 10, 2012, voted to support the special exception request.

Adjoining neighbors to the north and south, and one neighbor across 3rd Street, submitted letters to the file in support of the special exception request.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The Office of the State Superintendent of Education (OSSE), in a memorandum dated October 11, 2012, recommended that the special exception be granted.

No other District agencies commented.

Attachment: Location map

