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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: December 11, 2012

SUBJECT: BZA 18468: Child Development Center, 1414 Delafield Place NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval of special exception relief** pursuant to:

- § 205 – 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 10 years.
 2. The number of enrolled children shall not exceed 12.
 3. The number of staff shall not exceed 5 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.
- § 1553.2 – To allow the expansion of a nonresidential use in the SS-H2 Overlay.

II. LOCATION AND SITE DESCRIPTION

Address	1414 Delafield Place NW
Legal Description	Square 2709, Lot 0009
Ward, ANC	4, ANC 4C
Zoning	SS-H2/R-1-B – Single family residential. The property is also located in the 16 th Street Heights Overlay District which permits expansion of existing and new nonresidential uses, subject to the provisions of Section 1553.
Existing Development	Two story residential detached structure with basement, abutting a 10-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 2009.
Surrounding Neighborhood Character	The immediate area is predominantly single-family detached homes in the R-1-B District. To the south of Decatur Street between 14 th Street and Piney branch Road, the neighborhood is comprised of low density commercial in the C-1 districts and row dwellings in the R-4 District.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18468

EXHIBIT NO. 28



III. APPLICATION-IN-BRIEF

The applicant, Ms. Marilyn Medrano, requests pursuant to 11 DCMR § 3104.1, a special exception under § 205 to allow a child development center (12 children and 5 staff persons) in the R-1-B District at premises 1414 Delafield Place NW. (Square 3751, Lots 138). The applicant currently operates a child development home for six children under a Home Occupation Permit HO0900853 issued on 10/29/2009 by the Department of Consumer and Regulatory Affairs. Currently there are no employees, as noted on the permit.

OP also informed the applicant that the provisions of Section 1553 would apply, since the property is located within the Sixteenth Street Heights Overlay.

IV. ANALYSIS

A. Special Exception Relief pursuant to § 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 this section.

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

The applicant has notified 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) of this application before the Board. OSSE would review the applicant's request pertaining to the licensing requirements.

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, or at the rear, the center's clients are within walking distance and are not anticipated to rely on personal vehicles for daily travel. The location is also within walking distance of 14th Street's major bus lines. Drop off and pick up times typically 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 two parking spaces at the rear 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.

The play area is well screened by an eight-foot high wooden fence and would not require additional screening. While OP understands that a child development home for six children has been in operation at this location since 2009, without disturbance to the community, the potential for noise might be increased with six additional children. Therefore, OP recommends outdoor activities 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 finds that the rear yard is securely fenced to ensure the children's safety and based on its location at a corner with an alley at the rear, it is not anticipated that adjacent and nearby properties would be adversely impacted.

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 currently used by the applicant.

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.

OP has no available records of another child development center within 1,000 feet of the property; therefore this provision would not apply.

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 District Department of Transportation for review and comments.

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) would review the applicant's request and issue the required license subject to the agency's approval.

B. Special Exception pursuant to § 1553 – Sixteenth Street Heights Overlay

1553.2 A proposed new nonresidential use or an expansion of an existing nonresidential use in excess of ten percent (10%) of gross floor area shall be permitted as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with § 3104 and subject to the following requirements:

The subject application represents a proposed new use.

- (a) **The nonresidential use is capable of being established and operated without adversely affecting the use and enjoyment of neighboring and nearby properties due to traffic, noise, design, or other objectionable conditions; and**

As discussed above, pursuant to Section 205, the center's operation should not adversely affect the use and enjoyment of neighboring and nearby properties due to traffic, noise, design or other objectionable conditions.

- (b) **There shall be adequate, appropriately located, and screened off-street parking sufficient to provide for the needs of the maximum number of occupants, employees, congregants, and visitors who can use the facility at one time; provided:**

- (1) **The number of parking spaces provided shall be not less than the number required by chapter 21 of this title and shall be located and designed so that they have the least objectionable effects on contiguous or nearby property because of noise, traffic, or other objectionable conditions;**

Two parking spaces would be provided on-site at the rear of the property and it would satisfy the proposed use's parking requirement under § 2101.

- (2) **Parking spaces and driveways providing access to them shall not be located in a required side yard, or on the lot between the principal building and a street right-of-way, nor in public space abutting the lot;**

The proposed parking spaces are at the rear accessed by an alley.

- (3) **If five (5) or more open parking spaces are provided, the parking spaces shall be screened from all contiguous residential property by a wood fence or a wall made of brick or stone at least twelve inches (12 in.) thick and forty-two inches (42 in.) high, or by evergreen hedges or evergreen growing trees that are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted; and**

- (4) **Any lighting used to illuminate open parking spaces shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking; any lighting provided shall be the minimum necessary for reasonable visibility by drivers and for security purposes.**

The on-site parking area would not accommodate five or more vehicles, so that these provisions would not apply. No lighting is anticipated beyond that typically provided for lighting and security for a residential use.

1553.3 Any expansion, renewal of time limits, or other changes to an existing use permitted by special exception in the R-1 District provisions shall continue to be governed by the R-1 provisions rather than those of this overlay district.

This provision is not applicable at this time.

Section 3104

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

The proposed use is permitted subject to the satisfaction of the criteria under Sections 205 and 1553. As outlined in the discussion above, the criteria have been satisfied and it is therefore in harmony with the general purpose and intent of the Regulations and Maps.

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

The proposed child development center would not tend to adversely affect the use of neighboring property with respect to noise or traffic. The play area on the property is not adjacent to a neighboring property, as it abuts a 10-foot wide alley to the south and 15th Street to the west. Use of the play area is advised to be no later than 6:00 pm. No adverse impact due to traffic is anticipated, as many of the future clients live within walking distance of the center.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation will submit comments under separate cover.

VI. COMMUNITY COMMENTS

According to the applicant the ANC 4C voted to support the requested relief. The report would be filed under separate cover. Letters from neighbors in support of the application were submitted to the record on December 10, 2012.

ATTACHMENT

1. Vicinity Map

Attachment 1

Vicinity Map

