



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM:  Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: May 14, 2013
SUBJECT: **BZA Case 18551** – request for special exception and variance relief for an existing child development center located at 5608 Broad Branch Road NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval of** the special exception relief requested in accordance with § 205 to enlarge the existing child development center from 60 to 80 children and increase the staff from 8 to 12, subject to the following modified approval conditions

1. Approval of the child development center shall be for a period of ~~FIVE (5)~~ **TEN (10) YEARS**
2. **Center hours of operation shall be Monday through Friday, from 8:00 AM to 6:00 PM.** (new)
3. **The maximum center capacity shall be 80 children and 12 staff** (increase from 60 children and 8 staff)
4. **Four stacked parking spaces shall be provided onsite for center teachers and staff** (new)
5. Center drop-off and pick-up periods shall be dispersed and shall not coincide with drop-off and pick-up times at Lafayette Elementary School ~~whose school hours begins at are 8:45 AM and ends at 3:15 PM~~ (wording change only)
6. Center staff shall assist the children to and from cars during peak drop-off and pick-up periods
7. The entire rear of the property shall be ~~fenced in~~ **bordered by a fence 6-feet tall made of wood** (wording change only)

In response to an OP inquiry, the applicant submitted a letter dated May 10, 2013, to the case record file withdrawing the request in the Statement of the Applicant for parking relief

II. LOCATION AND SITE DESCRIPTION:

Address	5608 Broad Branch Road NW
Legal Description	Square 1997, Lot 0078
Ward	3/4G
Lot Characteristics	The irregularly-shaped corner property with an area of 11,253 square feet (0.26 acre), and frontages along Northampton Street and Broad Branch Road NW and a 15-foot wide public alley. A building restriction setback 15-foot back from the abutting streets extends along northern and eastern boundaries (refer to Figure 2)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18551
EXHIBIT NO. 29

Board of Zoning Adjustment



Zoning:	<i>R-1-B</i> – child development centers are allowed by special exception in accordance with § 205
Existing Development:	The existing two-story building of masonry construction with vinyl siding is occupied the by Broad Branch Market retail grocery store on the first floor and the Broad Branch Children’s House (BBCH) Montessori Children’s Preschool (child development center) on the second floor and a portion of the first floor. The center has a separate stair to the second floor on the south side of the building and a fenced play area in the southwest corner of the property. The existing curb cut along Broad Branch allows vehicular access pass a front patio area to a parking pad large enough to park at least four vehicles in tandem (refer to Figures 1 and 2).
Historic District:	None
Adjacent Properties:	Two-story detached dwelling to the north and west along both sides of Northampton Street, and along both sides of Broad Branch Road to the south; and the Lafayette Elementary School and Park to the northeast on the opposite corner of the intersection.

II. PROJECT DESCRIPTION IN BRIEF

Applicant	Broad Market LLC, the owner of record
Proposal:	BBCH child development center was established on the subject property under Board of Zoning Adjustment (BZA) Order No. 17147. Approval conditions associated with this order allowed a maximum of 60 children and 8 staff. The order also did not grant any relief for the associated parking requirement. The current operator filed for relief to: increase the allowable center capacity by 20 children to 80; increase the allowable center staff by 4 to a maximum of 12; and eliminate any approval term.
Relief Sought:	§ 205 – special exception relief to increase center enrollment from 60 to 80 children and increase staff from 8 to 12.

III. ZONING REQUIREMENTS

Figure 1

This property was the subject of two previous zoning actions:

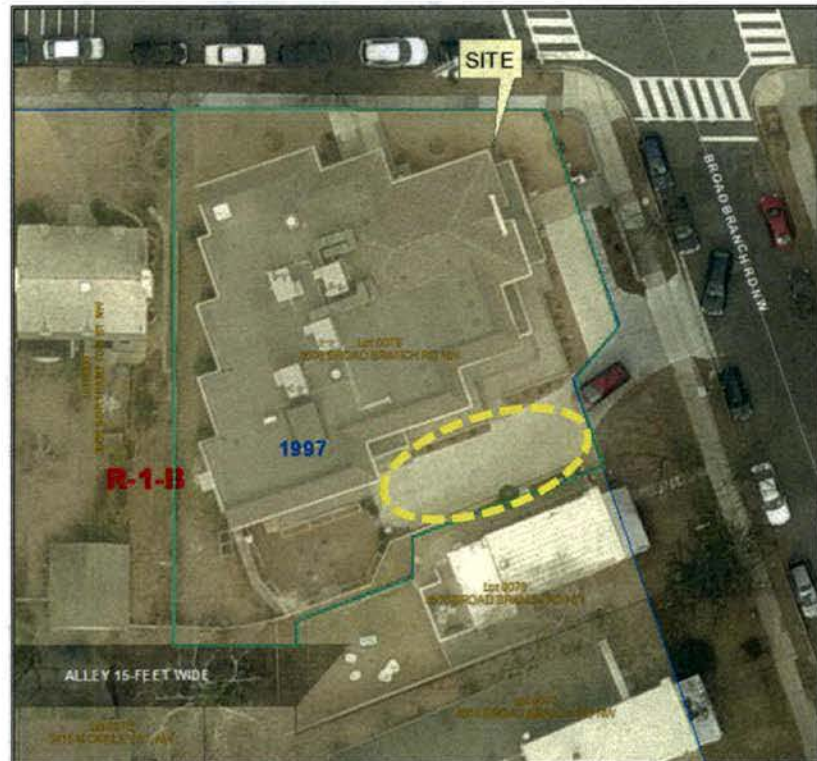
- On February 9, 1994, the BZA approved Application No. 15905 for variance relief to allow subdivision of three lots into two lots with non-compliant rear yard, lot width, and lot area and lot occupancy because of existing structure.
- On May 4, 2004, the



Board approved Application No. 17147 variance relief to allow renovation and reconfiguration of the existing building, continued operation of a nonconforming retail (store) use and special exception

relief to establish the existing child development center.

Figure 2



The current application does not propose to make any changes to the existing building and grounds, just to increase the number of center children and staff.

Section 2101.1 of the regulations requires one onsite parking space for the four additional staff requested which would increase the parking requirement to three spaces for all 12 center employees.

IV. OP ANALYSIS

a) Compliance with § 205

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

So far the Division of Early Childhood Education, Office of the State Superintendent of Education (OSSE) has not added comments on this case to the record file. A Certificate of Occupancy submitted with the application for a current maximum 60 children and 8 teachers and staff at Broad Branch Children's House was issued on May 15, 2012.

Although this request is to increase in the number of children to 80, OSSE has stated previously that the actual licensed capacity of a facility would be calculated based on the issued Certificate of Occupancy and the requirements of Title 29 of the DC Municipal Regulations.

205.3 *The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children or elderly persons.*

The authorized hours of center operation under the current Order No. 17147 are 8:00 AM to 6:00 PM, Monday through Friday. No changes have been requested to the current operating hours. *It is recommended that any new approval conditions include this information.*

According to the Statement of the Applicant, 50% of the current enrollment live within the existing neighborhood and are walked to the center by their parents or guardians. Children driven to the site are assisted by BBCH staff during drop-off and pick-up periods. This minimizes the potential for vehicle queuing.

Figure 3

Unlike the previous application, no traffic and parking study was prepared that assessed the potential impacts of the proposed expansion. To date the District Department of Transportation (DDOT) has not filed any comments on this proposal.

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

In previous Application No. 17147, the applicant addressed this standard by declaring in the Statement of the Application that four stacked (tandem) parking spaces would be provided onsite for the staff and employees of the then-proposed child development center

Based on the above-referenced Zoning Regulation requirement, the current *four* parking spaces onsite meets the intent of the parking regulations. As noted above, the current application *does not* request relief from this requirement. In addition:

- 37.5% of the current staff either walk to work or take public transit;
- Washington Metropolitan Area Transit Authority (WMATA) bus routes run next to the property along Broad Branch Road; and
- six parking spaces exist along the property street frontage.

OP noted that provision of required onsite parking was not reflected in previous approval conditions. *It is therefore recommended that any new approval conditions include this information.*



- 205 5 *The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact on nearby properties due to noise or activity, or other objectionable conditions*

The center provides a fenced play area in the southwest corner of the site that is used by children periodically during the day. However, the Statement of the Applicant indicated that Lafayette Park is where the children spend the majority of their recreation time (refer to Figure 3). BBCH staff escort the children to the park on foot. OP noted that children utilize existing sidewalks, signed intersections and striped crosswalks to travel between the site and the park.

There is no indication that utilization of either of the referenced onsite or offsite recreation facility has resulted in objectionable impacts on neighboring properties.

- 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 shall deem necessary to protect adjacent and nearby properties*

No special treatments are recommended.

- 205 7 *Any off-site play area shall be located so as not to result in the endangerment to the individuals in attendance at the center in traveling between the play area and the center itself*

It does not appear that continued use of the referenced recreation facilities would endanger the center children.

- 205 8 *The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 feet) of another child/elderly development center only when the Board finds that the cumulative effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors*

OP is not aware of another child development center within 1,000 feet. The applicant also stated that center trash would be collected at least once a week.

- 205 9 *Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the Department of Transportation and Human Services, the D C Office on Aging and the D C Office of Planning for review and written reports*

No OSSE comments have been filed. DDOT comments in support are summarized below.

The Statement of the Applicant also requests that this special exception be approved without an expiration date. Given the lack of specific information about the potential impacts of the proposed student and teacher increases, OP does not oppose the term recommended by the Advisory Neighborhood Commission (refer to the Community Comments section below).

The current approval conditions have been revised in light of the above findings. OP shared the revised conditions with the applicant for their agreement.

V. AGENCY COMMENTS

On May 13, 2013, the District Department of Transportation filed a memorandum expressing conditional support for this request.

VI. COMMUNITY COMMENTS

The Advisory Neighborhood Commission (ANC) Report form dated April 12, 2013, indicates that ANC 3/4G voted unanimously to support this request including, "the increase in parking," and recommended an approval term of 10 years. In a letter dated May 10, 2017, school crossing guard Edward Hall stated he was unaware of any conflicts during center and school drop-off and pick-up periods.