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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 23, 2013
SUBJECT: BZA Case 18551 Supplement

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the amended request for special exception relief requested in accordance with § 205 to *continue* the existing child development center from 60 children with the current 8 staff at 5608 Board Branch Road NW, 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 60 children and 8 teachers and staff. (new)**
4. **Two parking spaces shall be provided and appropriately stripped and lined onsite for center employees. (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 rear of the entire property shall be ~~fenced-in~~ **bordered by a fence 6-feet tall made of wood** (wording change only).

However, OP **does not support** the variance relief requested from the requirement under § 2101.1 for 2 parking spaces onsite for the 8 employees because it appears the parking spaces can be provided.

II. BACKGROUND:

Prior to the public hearing scheduled for May 21, 2013, the Board of Zoning Adjustment (BZA) raised several issues as preliminary matters:

- **The application may require a parking variance.** The previous OP report dated May 14, 2013, explained that the Statement of the Applicant for previous Application No. 17147 addressed the requirement for 2 parking spaces for the 8 staff of the then-proposed child development center by declaring that 4 "stacked" (tandem) parking spaces would be provided onsite for the staff and employees. However, the BZA noted that this summary order did not include conditions requiring the provision of staff parking onsite or granting relief from the requirement under § 2117.4 that all parking spaces directly access the adjacent street.

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- **The applicant's request did not include parking relief:** Although the current Statement of the Applicant mentioned relief from the parking requirement, the applicant only requested special exception relief to expand the current child development center.
- **Multiple letters of opposition in the case file:** The applicant was encouraged to address the concerns raised by the neighbors.

The public hearing was then rescheduled to July 30, 2013, to allow the applicant adequate time to modify the original request, provide adequate public notice, meet with the neighbors and the Advisory Neighborhood Commission (ANC) and submit the necessary supplemental information.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	1538 New Jersey LLC, the owner of record.
Proposal:	BBCH child development center was established on the subject property in accordance with BZA Order No. 17147. This summary order referenced the maximum of 60 children and 8 staff requested for the center but did not include any approval conditions. In response to concerns expressed by the neighbors, the application has been modified to request continuation of the current approved number of children and staff, and to seek a variance to eliminate the associated parking requirement.
Relief Sought:	Special exception relief in accordance with § 205 to continue the current child development center use and variance relief to reduce the required onsite parking from 2 spaces to 0 spaces.

IV. OP ANALYSIS

Special exception relief in accordance with § 205

205 2 The center shall be capable of meeting all applicable code and licensing requirements

In a memorandum dated June 10, 2013, the Division of Early Childhood Education, Office of the State Superintendent of Education (OSSE) recommended approval of the original expansion request and noted that OSSE would ultimately determine the licensed capacity. The Certificate of Occupancy submitted with the application for a current maximum 60 children and 8 teachers and staff at Broad Branch Children's House, which was issued on May 15, 2012, indicates that child care center operations are consistent with current code requirements.

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. *OP continues to recommend 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.

The District Department of Transportation (DDOT) report dated May 13, 2013, did not identify any traffic issues associated with proposed capacity increase at this center. DDOT also informed OP that waiving the current parking requirement raised no concerns.

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

Currently the site includes a driveway wide enough for two parking spaces with direct access to the adjacent public street (reference Figure 1 below). The existing parking pad and driveway area appears to meet the design and access standards under § 2117 except § 2117.4. *OP recommends adding the lining and stripped of two parking spaces as an approval condition per § 2117.4.*

- 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.*

A fenced play area in the southwest corner of the site serves as the onsite play area. However, the Statement of the Applicant indicated that *Lafayette Park* is where the children spend the majority of their recreation time. BBCH staff escort the children to the park on foot utilizing the existing sidewalks, signed intersections and stripped crosswalks to travel between the site and the park.

Figure 1



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 off-site recreation facilities would endanger 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 did not find another licensed 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*

OSSE comments and DDOT are referenced above. OP does not oppose the 10-year term recommended by the ANC 3G and agreed to by the applicant (refer to the Community Comments section below).

The suggested approval conditions have been revised in light of the above findings. OP shared the revised conditions with the applicant who agreed except for the parking requirement.

Area variance from §2101.1 in accordance with §§ 3103.1 and 3103.5 (b):

OP does not support this relief as the spaces can be provided onsite. Furthermore, if this application is approved, OP again recommends the final order stipulate that the two parking spaces onsite are for the employees of the child development center (above approval condition #4).

V. COMMUNITY COMMENTS

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

Above-referenced letters in the record file dated May 2013 from neighboring residents at 5606 and 5604 Broad Branch Road, 3419 McKinley Street and 3514 Northampton Street NW expressed several concerns about the proposed center expansion.

A more recent ANC Report dated June 17, 2013, indicated that a majority of members present voted to support 60 students and 8 faculty and staff for a term of 10-years, and a variance from the parking requirement (the meeting date on the form of October 2013 is in error).