

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 5, 2016

SUBJECT: BZA Case 14493A (5331 Colorado Avenue, N.W.) for a special exception to allow for the continuation of a child development center

I. BACKGROUND

On November 5, 1986 the Board approved BZA Application No. 14493, which took effect on December 14, 1986 to permit a special exception to allow a child development center in the basement through the third floor, subject to the following conditions:

1. Approval shall be limited to a period of THREE YEARS.
2. Operation of the facility shall be limited to the Star of Bethlehem church of God in Christ.
3. The number of children shall not exceed 150. The number of staff shall not exceed seventeen.
4. The hours of operation shall not exceed from 6:30 A.M. to 6:30 P.M., Monday through Friday.
5. On-site parking shall be provided as shown on the plat marked as Exhibit No. 32A of the record, except that the spaces marked Nos. 1, 2 and 3 shall be eliminated unless approved by the Public Space Committee.
6. Discharge and pick-up of children shall occur along Colorado Avenue and the alley adjacent to the church.

The order expired on December 14, 1989.

On November 7, 1990 the Board dismissed BZA Application No. 15400, a special exception application to establish a child development center and private school of 75 children because the materials submitted by the applicant were not sufficient to permit further processing of the application in accordance with the Zoning Regulations.

II. OFFICE OF PLANNING RECOMMENDATION

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

- § 205.1, Child Development Center

Subject to the following condition:

1. Student enrollment shall not exceed 150, ranging in age from two through five. The final number of students licensed for the center will be determined by the Office of the State Superintendent of Education (OSSE).

2. The number of children shall not exceed 150. The number of staff shall not exceed seventeen.
3. The hours of operation shall not exceed from 6:30 A.M. to 6:30 P.M., Monday through Friday.

III. LOCATION AND SITE DESCRIPTION

Address	5331 Colorado Avenue, N.W.
Applicant	Estrellitas Montessori School
Legal Description	Square 2716, Lot 804
Ward; ANC	Ward 4; ANC 4C
Zone	R-1-B
Lot Characteristics	Corner property with alley access
Existing Development	Church with off-street parking
Adjacent Properties	North and West: Across Colorado Avenue, one-family detached and attached dwellings and apartments South: One-family detached dwellings East: Across, 14 th Street, locally serving commercial uses and semi-detached dwellings
Surrounding Neighborhood Character	Low to moderate density residential with locally serving retail
Proposed Development	Continuation of child development center

IV. RELIEF REQUESTED

The applicant requests to renew approval of a child development center that lapsed 26 years ago, subject to the same conditions as the original approval.

V. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to § 205, Child Development Centers

- i. 205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*
The applicant informed OP that it is currently licensed by OSSE and that she intends to maintain that license.
- 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.*

Order No. 14493 required pick-up and drop-off to occur along Colorado Avenue and the alley adjacent to the church. The applicant proposes to continue to pick-up and drop-off as was approved under that order. OP is not aware of any traffic issues within the community regarding the existing center.

No comments were received from DDOT.

- 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 applicant proposes to continue to provide off-street parking as was approved in 1986 with no increase in staff and no increase in the number of off-street parking spaces required.

- 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 center has a fenced-in outdoor play space on the east side of the building, facing 14th Street, within an open court. Due to the topography on the east side of the lot the play area is elevated above the public sidewalk, providing for a separation between the sidewalk and the playground. The outdoor play area is used in the afternoons by no more than 16 children 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.*

OP makes no recommendations for special treatment.

- 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.*

The applicant uses two public parks for off-site play. One is located on the south side of Hamilton Street between 13th and 14th Street, N.W., and the other is located across 16th Street, within Rock Creek Park. The applicant utilizes public sidewalks to access these parks.

- 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 is aware of one other child development center within 1,000 feet of the subject property, but is unaware of any adverse impacts on the neighborhood as a result of the cumulative effect of these two facilities. The ANC is in support of the application.

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.*

Comments were requested from DDOT, OSSE and the Department of Human Services.

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 child development center is currently licensed by OSSE. Comments were requested from OSSE, but none were received.

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

The continuation of this child development center, in conformance with the criteria contained in the Zoning Regulations and the zoning of the property, would be in harmony with those documents.

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

The use would not tend to adversely affect the use of neighboring property, and a child development center has been operation from the site for almost thirty years, including the last three by the applicant. The outdoor play area is located within an open court, fenced in and facing 14th Street and away from the residences within the square. All pick-up and drop off would be from either 14th Street or the public alley, adjacent to the church.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 4C, at its regularly scheduled meeting of March 9, 2016, voted in support of the application.

Attachment: Location Map

