

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director of Development Review

**DATE:** February 16, 2017

**SUBJECT:** BZA #19694 – 5104 MacArthur Blvd., NW for relief from providing parking spaces for a child development center.

**I. BACKGROUND**

The applicant is proposing to locate a child development center at 5104 MacArthur Boulevard NW, with 44 children and 11 staff. Zoning regulations currently limit this use to five children, so the use is not currently permitted. However, in Zoning Commission case 17-20, the Commission is considering text amendments to the zoning regulations which would allow a child development center of this size by right in this zone. The Zoning Commission public hearing for that case was held February 8, 2018 and there was no opposition to the proposal. The Commission took proposed action to approve the text amendments.

Typically, OP would NOT support a BZA case predicated on a possible or pending Zoning Commission decision, until the final Commission decision had been rendered. In this case, given the critical need for this use in the District and the advanced stage of Commission review, OP is not opposed to this BZA case moving forward at this time, subject to the conditions noted below.

**II. OFFICE OF PLANNING RECOMMENDATION**

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

- C§701.5. Required Vehicle Parking (2 spaces min.; 0 spaces existing, 0 spaces proposed)

Subject to:

- No C of O for this use being issued prior to the issuance of the Zoning Commission Order for Case 17-20, which would allow the use at the level of intensity proposed. Should the Commission not approve text amendments which would allow this use, the Applicant for this BZA case would be required to adjust the program to be consistent with the regulations, or return to the BZA for appropriate additional relief.
- Implementation of the transportation demand management plan approved by DDOT.

**III. LOCATION AND SITE DESCRIPTION**

Address	5104 MacArthur Blvd. NW
Applicant:	Martin Sullivan on behalf of 5104 MacArthur LLC
Legal Description	Square 1418, Lot 807

Ward / ANC	Ward 3; ANC 3D
Zone	MU-3
Historic District or Resource	N/A
Lot Characteristics	24.45 sq.ft. X 115 sq.ft. rectangular shaped lot fronting on MacArthur Blvd.
Existing Development	one-story retail building
Adjacent Properties	The adjacent properties are retail establishments
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly mixed retail and low to moderate density residential uses.

#### **IV. PROPOSAL and ZONING REQUIREMENTS**

The Applicant is requesting relief from the parking requirements for a child development center, which is considered a “daytime care use” in the parking section of the zoning regulations. A daytime care use in a building this size is required to have 2 spaces.

#### **V. ANALYSIS**

##### **Special Exception Relief from C § 701.5 (c); pursuant to C § 703**

*703.1 This section provides flexibility from the minimum required number of parking spaces when the provision of the required number of spaces would be contrary to other District of Columbia regulations; or impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.*

*703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:*

*(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

The site is an interior lot with no alley access, so it is physically constrained from providing parking. The existing site is small, and currently fully covered by the existing building, leaving no space for parking on the site. The Applicant has not found available parking spaces within 600 ft. of the site.

*(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*

*(1) A curb cut permit for the property has been denied by the District Department of Transportation; or Subtitle C-40*

*(2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*

The site does not have access to an open public alley because it is landlocked. The addition of a new driveway and curb cut would not only be highly disruptive to the streetscape character of the building, but would also result in the loss of street parking (for a new curb cut).

*703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*

As the site is landlocked with no alley access, the Applicant is physically unable to provide the required two spaces.

*703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

The Applicant expects their 11 staff members to use the public bus system and for parents arriving in vehicles to use on-street parking. The Applicant is working with DDOT on an acceptable transportation demand management plan, including a parent drop-off and pick-up plan.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the writing of this report, no other agency comments have been submitted.

## **VII. COMMUNITY COMMENTS**

As of the writing of this report, no comments have been received from the community.

As of the writing of this report, no report from ANC 3D has been submitted.

**VIII. LOCATION MAP:**

