

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review
DATE: September 20, 2024
SUBJECT: BZA Case 21101 – New Daytime Care (Child Development Center) at 245 Peabody Street, NW

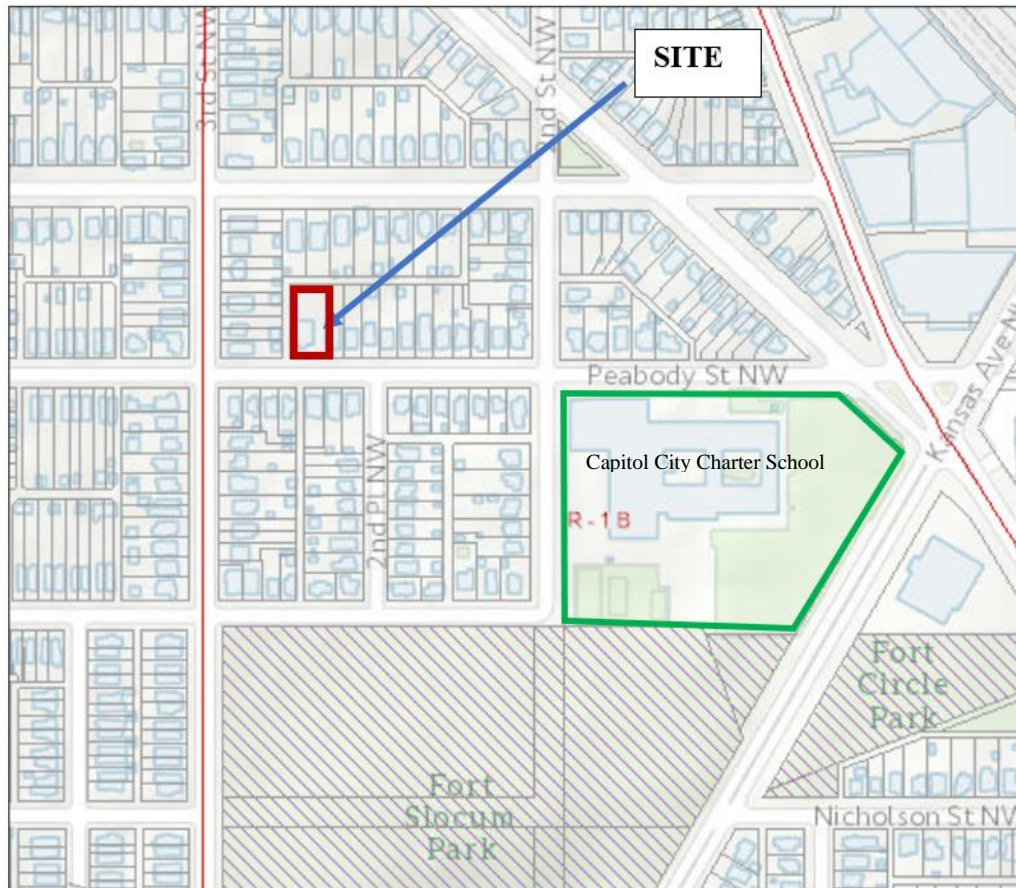
I. OFFICE OF PLANNING RECOMMENDATION

MENDOMAS LLC, on behalf of Estrellitas Montessori (“Applicant”) proposes a Daytime Care use (“child development center” “CDC”) for up to 82 children and up to 20 staff members at 245 Peabody Street, NW.

The Office of Planning (OP) recommends **approval** of the requested special exception under Subtitle U § 203.1(h), pursuant to Subtitle X § 901.2 subject to any conditions recommended by the Department of Transportation (DDOT) and the following conditions which are proffered by the Applicant and supported by OP. These conditions are intended to generally mitigate any potential impacts of the CDC.

1. The child development center shall enroll no more than 82 children, ages 6 months to 5 years old.
2. The child development center’s staff shall be limited to no more than 20 staff.
3. Hours of operation of the child development center shall be limited to 7:00 am to 6:00pm per day, Monday through Friday.
4. The Applicant shall provide commercial trash and garbage collection and garbage shall be collected at least once a week, initially, with the option to add a second day if one day is not sufficient for the level of trash produced.
5. Outdoor playtime shall be staggered so that all of the children are not on the play area at one time.
6. Visits around the neighborhood and/or to any parks will be staggered so that there are a limited number of children being escorted through the neighborhood at one time.
7. Fencing shall be provided as shown on Page 2 of Exhibit __ (Approved BZA Plans) with a locked gate on the alley side ramp.
8. The alley parking spaces are exclusively for use by the staff and not by families enrolled in the CDC. The Applicant shall prohibit families from dropping off or picking up in the alley and will enforce this through penalties. The penalties will include one warning and then possible expulsion from the CDC for breaking this rule. This will be explicitly listed in its handbook and the parents, guardian or designated adult will be required to read and sign that they understand the handbook policies, including the pick-up and drop-off policies, that they will adhere to said policies and understand the consequences of said policies.
9. The Applicant shall implement the TDM and PUDO plans as shown on pages __ in the Applicant's transportation report/DDOT Report.

II. LOCATION AND SITE DESCRIPTION



Address	245 Peabody Street, NW
Applicant	Mendomas LLC represented by Sullivan & Barros, LLP
Legal Description	Square 3388, Lot 811
Ward, ANC	4, 4B
Zone	R-1B - The R-1B permits one family detached dwellings. Daytime care uses are compatible to the residential use.
Historic District	None
Lot Characteristics	The property is near rectangular in shape with an area of approximately 11,813 square foot which abuts 15-foot wide alleys to the north and west.
Existing Development	The lot is currently developed with a one-story building that was formerly used as a church.

Adjacent Properties and Surrounding Neighborhood	The adjacent properties on all sides are developed with single-family detached residences. The surrounding neighbor is predominantly developed with one and two-story, single family detached units in the R-1B zones. To the southeast and east are the Capitol City Charter School and the Fort Solcum Park. To the west of the site, across 3 rd Street, NW are two-story, row dwellings in the RF-1 zone.
Proposed Development	The proposal is to construct second story additions to the east and rear sides of the existing building and convert it to a child development center. Five on-site parking spaces would also be added to the property.

III. BACKGROUND

The subject property is currently developed with a one-story detached building whose most recent use was a church. The Applicant proposes to construct additions to the building and convert it to accommodate the proposed CDC and the building would conform to all development standards of the R-1B zone. The Applicant operates a child development center at 5331 Colorado Avenue, NW for up to 150 children in the R-1B/SH zone.

Subtitle U § 203.1 allows a variety of uses, some of which are non-residential, in the R-1B zone by special exception if the outlined conditions are met. These uses have been deemed to be compatible to residential uses. Daytime Care uses, Subtitle U § 203.1(h), is one category of non-residential use that is permitted by special exception in the R-1B zone.

Several uses are classified as Daytime Care uses in Subtitle B § 200.2 including child development homes and child development centers, both of which are allowed in the R-1B zone (B § 200.2 (h)(2):

Examples include, but are not limited to: an adult day treatment facility, child development center , pre-schools, nursery schools, before-and-after school programs, child development homes, an expanded child development home, and elder care centers and programs; and

A significant difference is that a child development home is a much smaller facility (6-12 children), is a home occupation, is operated out of someone's home and requires that the operator reside on the property. The child development centers are for larger facilities, accommodate a greater number of children and staff and the operators are not required to reside at the facility. Therefore, the request for the proposed CDC use in the R-1B zone is appropriate.

IV. OFFICE OF PLANNING ANALYSIS

Subtitle U § 203.1(h) – Daytime Care

(h) Daytime care uses subject to the following conditions:

- (1) *The 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;*

The hours of operation would be 7:00 a.m. to 6:00 p.m., Monday through Friday, serving up to 80 children and up to 20 staff persons. At [Exhibit 25A](#), page 3, Table 2, the Applicant provides a projection of the number of students and staff who would arrive by car, walk, bike and transit. It shows that a majority of the students and teachers, approximately 60% and 72% respectively, would arrive by car and would be escorted to the building by a parent. Some children and teachers would also arrive by walking/biking, approximately 36% of the children and 20% of the teachers.

For those who drive to the site, Table 3 on page 3 shows that there would be 38 peak hour trips in the morning and 40 in the afternoon peak hours. Currently, there are no parking restrictions along the 200 Block of Peabody Street where the CDC would be located. To accommodate these trips and mitigate the impact of traffic along Peabody Street, the Applicant proposes a 15 minute parking restriction along the Peabody frontage of the site (10 parking spaces) between 7:00 am and 6:00 pm on school days (page 5, Figure 4).

To avoid objectionable traffic conditions along the alleys, pick-ups and drop-off to the proposed facility would not be allowed along the alley at any time. The Applicant states that it would be enforced through penalties to include warning and then possible expulsion from the CDC if the behavior persists.

Five required parking spaces would be provided behind the building from the west alley (page 6, Figure 5). The Applicant states that in addition to these spaces, there would also be an adequate number of vacant on-street parking which staff can utilize. Although not required, the Applicant proposes to provide four bicycle spaces at the front of the building, page 10, Figure 8.

Trash would be stored behind the facility and accessed from the north alley would be picked up twice per week, page 14, Figure 12. Therefore, the pick-up, drop-off, parking, and trash collection conditions should mitigate any unsafe conditions.

- (2) *Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

A play area would be provided on site. However, the Applicant states that the children would be taken off-site on walks in the neighborhood. The off-site walking trips would be staggered and adequately staffed.

- (3) *The Board of Zoning Adjustment 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; and*

Fencing, six-foot high board-on-board, would be provided along the north and east property lines and along a portion of the south frontage which could assist with screening, security, privacy and noise. On-site parking spaces would be located to the rear of the building and accessed from the alley. Trash storage and pick-up would also be from the alley. Trash storage would be within an enclosure and behind the fence and should not be visible from the alley. The Applicant did not provide a detailed landscape plan but provided a drawing depicting the landscaping envisioned as seen from Peabody Street ([Exhibit 24A](#)). OP did not identify a need for any additional special treatment.

- (4) *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 may be approved only when the Board of Zoning Adjustment 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;

The Applicant states and OP did not find a child/elderly development center or adult day treatment facility within 1,000 feet of the site. The closest CDC is the at DE Colores Montessori School at 2618 3rd Street, NW which is 0.2 miles or 1,056 feet north of the proposed CDC. The Capitol City Public Charter School (not a CDC) is to the southeast of the subject property in the southeast intersection of Peabody and 2nd Street, NW. This school serves over 1,000 students from pre-kindergarten to 12th grade.

Traffic

The Applicant in their Transportation Statement [Exhibit 25A](#) assessed the combined impact of the CDC and the school on the surrounding transportation network and movements and determined that impacts could be mitigated through a number of actions such as having an assigned, 10 space drop-off and pick-up area, prohibiting parking and pick-ups, and drop-offs along the alley, and other actions proposed in the Transportation Demand Management plan (page 15) to reduce vehicular trips to the property. DDOT will provide a more detailed analysis on traffic in their report.

Noise and Operations

The operations of the CDC would be limited to five days per week between the hours of 7:00 a.m. and 6:00 p.m. While there would be a number of students arriving by car, the Applicant would institute a number of actions to limit the potential impact on traffic operations in the area, and to encourage the use of other transportation options to reduce vehicular trips to the site.

The CDC operations would be mostly internal to the building and outdoor activities would be limited to staggered play times. The fencing of the north and east sides of the property should help to minimize noise from the property. In addition, the building would be set back approximately 17 feet from the east property line to minimize potential noise impacts. The properties to the north and west are separated from the subject property by a 15 foot-wide alley. In addition, these properties have deep rear yards and some have rear garages which would further buffer the activities at the CDC and minimize potential noise or privacy impacts.

General Special Exception requirements of Subtitle X, Chapter 901.1

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

The R Districts are generally intended for low density residential and supporting, compatible non-residential uses. As demonstrated above, the proposal meets the requirements of the Subtitle U § 203.1(h) and is therefore in harmony with the general purpose and intent of the Zoning Regulations and Map.

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

As demonstrated above, the proposed CDC is proposing measures and conditions to mitigate any adverse impacts on traffic due to pick-up and drop-off operations. Fencing that would minimise noise and provide privacy to adjacent properties, limited hours of operations, and trash storage within an enclosed area and be collection a minimum of once per week would further mitigate

potential impacts. Therefore, the proposed CDC should not unduly adversely affect the use of the neighboring properties.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) will provide a report under separate cover.

VI. ANC COMMENTS

The property is within ANC-4B. At the time of this report, there is no memo with a recommendation on file from the ANC.

VII. COMMUNITY COMMENTS TO DATE

At the time of this report, there were letters of support at Exhibits 18 and 21 and a request for party status in opposition at Exhibit 22.