

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 13, 2025

SUBJECT: BZA Case 21257: Request for special exception relief to allow an existing child development center for 59 children and 11 staff, in a detached, two-story building in the R-2 zone at 405 Riggs Road, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle U § 203 and Subtitle X § 901:

- Subtitle U § 203.1(h), Special Exception approval for Daytime Care Use.

OP also recommends approval of the applicant's request to remove the time limitation condition under the existing BZA Order 16322 and continue its operation under the conditions described under Section IV of this report.

II. LOCATION AND SITE DESCRIPTION

Address	405 Riggs Rd N.E.
Applicants	Newlen and Faith Moravian Church of the Nation's Capital
Legal Description	Square 3741, Lot 0809
Ward, ANC	Ward 4; ANC 4B09
Zone	R-2, low density residential; Daytime Care facility permitted by special exception.
Historic Districts	None
Lot Characteristics	An irregularly shaped corner lot with frontage on Riggs Road and Chillum Place, with the side lot line abutting neighboring residential properties. The rear lot line abuts an alley that runs between Chillum Place and Madison Street, N.E.
Existing Development	The property is improved with a detached, two-story building with basement, currently approved for Daytime Care use as a child development center. The upper floor is dedicated to the church use.
Adjacent Properties	The property shares lot lines with residential properties facing Madison Street, N.E..
Surrounding Neighborhood Character	The neighborhood is characterized by low density residential, primarily two-story semi-attached homes.

Proposed Development	Special exception approval to continue existing daytime care use in a residential zone.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	40 ft. min.	106.87 ft.	No Change	None Requested
Lot Area D § 202	4,000 sq.ft. min.	22,308 sq.ft.	No Change	None Requested
Height D § 203	40 ft. max.	N/A	No Change	None Requested
Rear Yard D § 207	20 ft. min.	N/A	No Change	None Requested
Side Yard D § 207	8 ft. min.	N/A	No Change	None Requested
Lot Occupancy D § 210	40% max. by right 50% max by sp.ex.	N/A	No Change	None Requested
Parking C § 701	1 min.	2	No Change	None Requested
Proposed Use U § 203	Daytime Care by Sp. Ex. Only	Daytime Care	No Change	Sp. Ex. Requested

IV. OP ANALYSIS

The subject property has been operating as a daytime care facility providing early childhood care at this location since 1998, and the approval was term-limited for ten years. The initial approval in BZA Case. No. 16322 expired after 10 years (see prior order, [Ex. 11](#)), on April 1, 2008.

The applicant is requesting approval to continue operating the school, as well as a modification to the conditions of the previous order to remove the time expiration. The applicant agrees to incorporate and continue to comply with other conditions in the previous order, including:

- **The hours of operation shall be between 6:00 am and 7:00 pm Monday through Friday.**
- **The number of children shall not exceed 59.**
- **The number of staff shall not exceed 11.**

OP does not object to the conditions as proposed.

Subtitle U Section 203 SPECIAL EXCEPTION USES – R-USE GROUPS A, B, C, AND D

203.1 The uses in this section shall be permitted in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to applicable conditions of each paragraph below:

Sections (a) through (g) do not apply...

(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 most recent special exception approval included conditions which the applicant has been adhering to and has committed to continuing to adhere to. These include providing two drop-off parking spaces and coordinating drop-off times such that they do not conflict with the neighborhood traffic movements. These would be the same conditions that have been in place for previous years of operation, and no adverse conditions during that time have been noted in the record. Parking relief is not required or requested and there are two vehicle parking spaces required for the use.

DDOT asked where parents unload if they bike to the facility. The Applicant responded that parents park in front of the building on the property and drop off their children. Currently, there are only 25 children enrolled, according to the Applicant. Many of the parents walk in their children to the care facility. Therefore, OP does not anticipate objectionable traffic conditions in the neighborhood if the use is extended as requested by the Applicant.

- (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;*

There is currently an onsite play area and garden. Off-site, the applicant utilizes public facilities at the nearby Riggs La Salle Playground under provisions referenced in [item \(4\)](#) hereafter. The applicant does not propose maintaining an offsite play area.

- (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*

OP does recommend any special treatment for the approved existing use.

- (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;*

There is a government run before- and after-care facility at the LaSalle Bacchus Elementary School at 501 Riggs Rd N.E. which is within 1,000 ft. of the subject property. However, this elementary school existed at this location since the subject use was approved. Previously, there was a signed agreement between the former Faith Moravian Day Care Center to use the field area and equipment for supervised play for the church's licensed daycare center, but this was not extended to the current operator of the daycare, and maintaining the offsite play area is not necessary or proposed.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The extension of the existing use would remain in harmony with the general purpose and intent of the R-2 zone. Daytime care use is expressly permitted by special exception, and the existing use has been on the site for some time as approved under a previous order #16322. No other nonconforming uses are proposed for the subject property.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The extension of the existing use is unlikely to now adversely affect the use of neighboring property. The proposed use has existed for the past twenty-seven years. To date, there have been no adverse impacts or community concerns noted to the record.

- (c) Subject in specific cases to the special conditions specified in this title.*

There are no other special conditions beyond the prior review under *Subtitle U § 203.1 (h) (1) through (4)*.

V. OTHER DISTRICT AGENCIES

The District Office of the State Superintendent of Education has submitted a report in support of the application at [Ex. 21](#).

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 4B has not submitted a report at the time of this writing. The Applicant submitted an update on community engagement at [Exhibit 20](#).

VII. COMMUNITY COMMENTS

No community comments have been submitted to the record at the time of this writing.

Attachment: Location Map

Location Map:

