

DISCTRICK OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of HSMG Properties LLC
4401 16th Street, NW (Square 2701, Lot 809).

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of HSMG Properties, LLC (the “**Applicant**”), owner of the property located at 4401 16th Street, NW (Square 2701, Lot 809) (the “**Property**”). The Property is located in the R-1B zone. The Property is currently improved with a large church (the “**Building**”) recently purchased by the Applicant. The Applicant is proposing to adaptively reuse the southern portion of the church, to a Child Development Center—Soles Montessori Child Development Center. The Applicant is not proposing any changes to the building envelope, nor any substantial internal demolition and intends to use the structure as-is. A Child Development Center use requires special exception approval. Accordingly, the Applicant is requesting special exception approval for the center pursuant to U-203.1(h).

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X-901.2 and U-203.1(h).

III. BACKGROUND.

A. Description of the Property Location and Surrounding Area.

The Property is located in the R-1B zone district with 20,458 square feet of land area. It is a corner lot with only one abutting property. The Property is improved with a large church building, which has been built to meet all setback requirements for side and rear yards in this zone. There is also ample parking available for use on the subject property, as well as parking available on the church property across Webster Street, to the south.

The only adjoining property is a detached single-family home which abuts the subject Property to the north. Abutting the subject Property to the south is Webster Street, NW. Abutting the Property to the west is 16th Street, NW. Abutting the Property to the east is a public alley. The area is primarily made up of low to moderate density residential uses and institutional uses. This area of 16th Street—extending from Taylor Street to the south to is characterized by institutional, educational, and diplomatic uses—with either a church, educational use, or embassy/chancery located on nearly every block.

The Property is located in Ward 4. According to the 2020 Census, the population in Ward 4 has increased 11.7% in the last 10 years. According to DC Health Matters, there are 19,348 families in Ward 4 and 25% of the households in Ward 4 have children.

B. Proposed Use.

The Applicant proposes to convert the southern portion of the church building to a Montessori School called Soles Montessori Child Development Center (“**Soles Montessori**”). It will be owned and operated by Hussain Shehab and Maribel Robello who currently own two Montessori Schools (also Soles Montessori). The existing school locations are within one mile of the subject Property and the majority of the families are local families from 16th Street Heights. The existing locations are leased, and those leases are up within the year. Accordingly, the plan is to relocate and consolidate the school to a single location owned by the school. Even though most families are local, if needed, there is ample parking which can accommodate all staff proposed and parents for pick-up and drop off. The church parking lot has approximately 25 spaces, and the property across Webster Street, to the south, has agreed to let Soles use their parking lot, which has 30 spaces. That property is a church which has no need for the spaces during the week when the daycare is in operation.

The school intends to serve approximately 108 children with up to 20 adult staff members. It would operate Monday through Friday from 7:00 am to 7:00pm and serve children ages 6 weeks to 13 years. The primary daycare portion would accommodate ages 0-5, while an aftercare program would be available for those ages 5-13. Drop off and pick up would be staggered depending on parental needs—not all students need to be in by a certain time like a traditional school.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. Overview.

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle U-203.1(h) of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning

requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

B. General Special Exception Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

In general, the Applicant's request meets the purpose and intent of the zoning regulations. This area is characterized by institutional, religious, educational, and diplomatic uses. While the previous church use was unsustainable in this location, resulting in this sale, the Applicant's proposal will provide a solution that includes an adaptive reuse, rather than new construction, and that fits a need within the community while still meeting the intent of the zoning regulations. Further, the existing Building was most recently used as a church and is not set up as a single-family home, nor could be adaptively reused for housing without a use variance; therefore, the proposed use will not be removing any available housing stock or impeding new housing.

Further, the property is located on a corner lot, with an adjacent alley and therefore only one abutting property. While it appears that all neighbors in the square have alley access, the Applicant has more than enough parking on its lot to accommodate both staff parking and pick-up and drop-off on site, ensuring neighborhood parking is not impacted at all. The sanctuary building, which will not be used for childcare, is closest to the neighbor to the north and will act as a buffer for the childcare use, which will occupy the building section on the south side. This will arguably create a situation where the neighbor to the north is afforded more privacy and use of enjoyment of that property than with a by-right church use. Accordingly, the proposal will not adversely affect the use of neighboring property.

C. Requirements of Subtitle U-203.1(h).

A Child Development Center is considered a “Daytime Care” use per Subtitle B. Subtitle U-203.1(h) permits a Daytime Care use in the R-1B Zone District via special exception, subject to certain requirements. The Application meets the requirements of U-203.1(h) as follows:

(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 Applicant has ample parking and a parking lot for pick up and drop off. Therefore, pick up and drop off will occur entirely on site. Pick up and drop off times will be staggered as this is a daycare and the pick-up and drop-off times are done according to parental need, not a strict time like a school. Accordingly, the facility is located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children in attendance.

(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;

The Applicant intends to take the children off-site to local playgrounds, as well as walks around the neighborhood. Outdoor activities will be done using the same adult:child ratios used inside the school.

(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

The Applicant will comply with any requirements.

(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;

Based on a review of the area, there is a CDC within 1,000 ft—Amazing Life Games—located approximately 300 ft. at 4300 16th Street, within Grace Lutheran Church. It was approved and operates subject to BZA Approval in BZA Case No. 18336. It serves students ages 2.5 through 5 and has a total of 35 students and 5 staff. The subject proposal from Soles Montessori will serve children as young as 6 weeks, which will help serve the most underserved age group in terms of

childcare.¹ Further, as noted above, the Applicant operates two Soles Montessori locations within one mile of the Subject Property, and the goal is to consolidate the two schools into one and continue serving the existing families, many of which are local residents. Given the scale of this use, and the fact that there is not a significant overlap in the population served given the ages of the children served, there should not be cumulative effects of these facilities. Accordingly, the existence of these schools in proximity to each other shall not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

V. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

Alexandra Wilson

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¹ See page 31, noting a shortage of childcare, especially for those ages 0-2:
https://bainumfdn.org/wp-content/uploads/2024/01/ChildCareAccessDC_Report_EN_FNL_Jan-2024.pdf