



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation
DATE: March 22, 2011
SUBJECT: **BZA Case 18190** – 3015 25th Street NE

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the requested special exception relief in accordance with §§ 205 and 322.1 for a child development center for up to 45 children ages 5-years and younger with 12 staff, subject to the following conditions of approval, all of which have been agreed to by the applicant:

1. Approval shall be for a period of **THREE YEARS** from the date of the approval order.
2. Enrollment for this child development center at 3015 Street NW shall not exceed 45 children, or a lesser number as determined by the Office of the State Superintendent of Education (OSSE).
3. The maximum number of staff shall be 12.
4. The ages of the children served shall be 5-years and under.
5. Days of operation shall be Monday through Friday, generally from 7:00 AM to 6:00 PM. Weekday service shall also be provided between 6:00 PM and 12:00 AM for a limited number of children that would not exceed 25% of the licensed capacity.
6. A parking lot with a pervious surface for three (3) vehicles shall be provided in the rear yard for the use of staff.
7. One staff member (at a minimum) shall be available curbside to unload and escort children into the center during the drop-off periods, and to escort and load children during the pick-up periods.
8. Periods of outdoor playtime shall be scheduled by classroom (groups of 8-12 children) between the hours of 9 AM and 1 PM, weather permitting.
9. Trash collection by a commercial trash collection company shall be scheduled at least twice a week.

II. AREA AND SITE DESCRIPTION

Address:	3015 25th Street NE
Legal Description:	Square 4288 Lots 0820
Ward:	5B
Lot Characteristics:	The rectangular interior lot covers 5,680 square feet (0.13 acre) with a curb cut along the 25th Street NE frontage and no rear alley access.



Existing Development:	A two-story detached dwelling with a basement of frame construction. The concrete driveway that extends along the south side of the dwelling also serves as the parking pad. In the rear yard is a wooden deck attached to the dwelling façade and mature trees. A 6-foot tall wooden picket fence also extends along the northern property boundary (refer to Figure 1).
Zoning:	R-4 – child development centers serving up to 16 children are allowed as a matter of right per § 330.5 (c); larger centers are subject to special exception approval.
Historic District:	None.
Adjacent Properties:	Similar 1.5 and 2-story one-family detached dwellings.
Surrounding Neighborhood Character:	Moderate-scale residential uses.

III. APPLICATION IN BRIEF

Applicant: Akinola and Oluseyi George, owners of record

Proposal: The application seeks to change the existing use from one-family dwelling to a child development center for up to 45 children ages 5-years and under, with 12 staff. The existing residential use would not continue.

The applicant originally submitted plans to the Department of Consumer and Regulatory Affairs seeking a Certificate of Occupancy for a child development center for 60 children and 15 staff with no onsite parking spaces. After reviewing the plans, the Zoning Administrator referred this proposal to the Board of Zoning Adjustment (BZA) in a letter dated September 14, 2010. The letter cited the need for special exception relief pursuant to § 205 for the proposed child development center use and variance relief pursuant § 3103.2 to eliminate the associated parking requirement.

The current application has reduced the capacity of the proposed child development center use and would provide the required parking. This eliminated the need for variance relief.

Relief and Zoning: Child development center uses proposed to serve more than 16 children are permitted as principal uses in the R-4 district subject to with referenced special exception relief.

IV. OFFICE OF PLANNING ANALYSIS

§ 205 Special Exception ...

205.2 The center or facility shall be capable of meeting all applicable code and licensing requirements.

In a letter dated February 15, 2011, the OSSE recommended that the BZA approve this application noting that the center's licensed capacity would be established by that agency per the Certificate of Occupancy and requirements and standards under Title 29 DCMR Chapter 3, Child Development Facilities.

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.

Center staff would be stationed curbside to unload and escort children into the center during the drop-off periods. Staff would also escort children to parent's vehicles and load them during the pick-up periods which would limit the need to use on-street parking resources.

The applicant notes that all the parents would not be arriving at the same time which should limit congestion. The District Department of Transportation (DDOT) also reviewed this proposal and did not express any concerns that it would impact congestion or public safety.

- 205.4 *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

Under § 2101.1, onsite parking required for this proposal is one space per 4 staff or 3 spaces. The applicant first proposed to provide an asphalt parking lot in the rear yard. At OP's suggestion, they agreed to instead provide a parking area with a pervious surface (porous concrete).

- 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 play area for the children would be onsite in the rear yard. The applicant amended the submitted plans to add a fence around the outdoor play area, and to extend the 6-foot tall wooden picket fence along the northern boundary around the eastern (rear) and southern (side) boundaries.

The applicant also stated that periods of outdoor playtime would be scheduled by the classroom (groups of 8-12 children) between the hours of 9 AM and 1 PM, weather permitting. No objectionable impacts are anticipated because a majority of the surrounding neighbors would be away at work during this period.

- 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 has recommended a number of conditions related to this proposal to address possible impacts. No further changes to the site plan are recommended.

- 205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center or facility itself.*

This proposal would not utilize an off-site play area.

- 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.*

There does not appear to be another child development center within 1,000 feet.

- 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. ...*

OSSE and DDOT comments are noted above.

Based on this review, the application meets the standards for approval. OP requested the applicant to submit revised plans reflecting the above-referenced changes and additions. The applicant also agreed to a list of conditions for approval that reflect the proposed center operations.

V. COMMUNITY COMMENTS

To date Advisory Neighborhood Commission (ANC) 5E has not submitted a resolution on this case into the public record. A letter on file dated February 11, 2011, from Denise Hoke, a neighbor residing at 3022 26th Street NE, raised the following concerns about this proposal:

- A child development center “business” is inappropriate on a residential street.
- Traffic added to this residential street by parents dropping off and picking up their children would create congestion and confusion, which could result in increased vehicle accidents.
- The proposed outdoor play area is not fenced.

In response, OP notes that the Zoning Regulations allows a child development center use serving up to 16 children as a matter of right in surrounding R-4 district. Larger uses are only allowed in accordance with the standards of the above-referenced zoning provisions. In addition:

- DDOT discussed the applicant’s proposal for managing the dropping off and picking up of children, and did not express any concerns; and
- The modified center plan now show fences around the play area and the entire rear yard.

