

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen Cochran, Case Manager  
Joel Lawson, Associate Director for Development Review

**DATE:** September 11, 2012

**SUBJECT:** BZA Case 18403, Lia’s Rainbow Child Development Center, 4428 Ord St., NE

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**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the Special Exception request pursuant to 11 DCMR §§ 205 and 3104.1 to:

- Establish a Child Development Center (CDC) for no more than 12 children and approximately 6 staff in a private house where there is already a Child Development Home for 6 children and 3 teachers.

Approval is recommended subject to the following conditions

1. The hours of operation shall be from 7:00 AM to 6:00 AM.
2. The number of enrolled children shall not exceed 12.
3. The number of staff, including two on-site residents, shall not exceed 7.
4. Outdoor activities shall be supervised and conclude by 8:00 p.m.
5. Trash shall be kept on-site and collected three times a week, and the property shall be kept free of debris.
6. Staff shall monitor the dropping off and picking up of the children.
7. The applicant shall provide details about the design of the staff parking area and shall ensure that if it is lit the lighting shall be shielded to avoid spillover into adjacent lots or the street.

**II. LOCATION AND SITE DESCRIPTION**

Address	4428 Ord Street, NE
Legal Description	Square 5117, Lot 838
Ward, ANC	7, 7D
Zoning	R-1-B – low density residential

Existing Development	Two-story semi-detached house plus basement on 7,100 square foot property enclosed with chain-link fence. Fence has gate on street side leading to paved driveway and unpaved parking area, and has gate on alley side opening to grassy back yard. Play equipment on north side of property, in back yard. Parking lot at southeast corner. Existing child development home occupies 2,090 square feet in basement; has at least four above-ground windows and a separate entrance to the yard. Public alley to the north, adjacent to the back yard.
Adjacent Properties	Semi-detached and detached houses.
Surrounding Neighborhood Character	Low density residential. Kenilworth Elementary School

### III. APPLICATION-IN-BRIEF

Rosalyn Taylor requests special exception to establish a child development center for 12 children and 6 to 7 staff where there is now 6-child child development home with three staff. Identical to the child development house, the CDC would operate 23 hours a day, would serve ages newborn to 6, and would also provide overnight care for children whose parents work or attend school at night. No new construction is proposed.

#### Background

The existing child development home is permitted by-right and operated under home occupation permit # HO 1200386.

### IV. ANALYSIS

**205.1 Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.**

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

The operation of the proposed CDC would require a license from the Office of the State Superintendent of Education, Division of Early Learning, Compliance and Licensing Unit (OSSE/DEL/CLU). That Office has filed a letter in support of the special exception request. It is attached as Exhibit E to the applicant's September 4, 2012 filing with the Board.

The existing Home Occupation Permit for Lia's Rainbow Child Development Home for 6 children is attached to the applicant's initial filing, as Exhibit F. The permit states there is 1 employee, no off-street parking, no sleeping rooms, and that no meals are served.

**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.**

The applicant states that parents in the surrounding Eastland Gardens and Kenilworth neighborhoods often walk their children to the existing center; that the Deanwood metro station, which is 2 blocks away, provides access for staff and parents who do not drive; and that on-street parking can be safely used for the drop-off and pick-up of children using the center.

This section of Ord Street is two blocks long, is located between a public park and the Kenilworth Avenue and freeway, and is not heavily trafficked.

DDOT is examining the availability and suitability of the on-street drop-off areas and plans to comment on this in a report it will file with the Board.

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

The Zoning Regulations require the applicant to provide one off-street parking space for every four teachers; i.e., two spaces for the proposed 6 to 7 teachers. The applicant notes that the 7,100 square foot lot would provide room for such spaces, but has not provided details about an employee parking area. There are existing gates to the yard from the street and from the rear alley, and a driveway within the portion of the yard entered from Ord Street. There also appears to be a surplus of on-street daytime parking in the neighborhood the applicant could use for visitor parking.

**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 existing 2,090 square foot space has a separate entrance, kitchen, bathroom and indoor play space. The outdoor play space is located at the rear of the 7,100 square foot lot, away from adjacent houses. As long as outdoor activities are concluded by 8:00 p.m., it does not seem likely that the operation of the center will bring with it conditions that would be objectionable to the neighborhood.

**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.**

Other than shielding any parking area lighting to avoid spillover, OP does not recommend any special design treatment. No new signs, screening or plantings are proposed.

**205.7 Any off-site play area shall be located so as not to result in endangerment to the**

**individuals in attendance at center or facility in traveling between the play area and the center or facility itself.**

No off-site play area is used now or proposed in the future.

**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.**

According to GIS records, there are no other child development centers within 1,000 feet of the proposed CDC. The applicant's September 4, 2012 filing states that a CDC that had operated nearby, but not within 1,000 feet, appears to have recently ceased operations.

**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.**

The application was submitted to the appropriate agencies.

**205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.**

AS noted, the operation of the proposed CDC would require a license from, and has received a letter in support of the special exception from, the Office of the State Superintendent of Education, Division of Early Learning, Compliance and Licensing Unit (OSSE/DEL/CLU). OP is not aware of comments from the District Department of Human Services.

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

OP understands that DDOT will submit comments under separate cover.

## **VI. COMMUNITY COMMENTS**

The applicant's September 4, 2012 filing states that ANC 7D voted unanimously on June 12, 2012 to recommend approval of the application, and that several neighbors have filed letters of support with the Office of Zoning.

## ATTACHMENT: Vicinity Map

**Figure 1: Vicinity Map**  
Applicant's Site is Outlined in Light Green

