

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** September 30, 2014  
**SUBJECT:** BZA Case 18830, 3418 4<sup>th</sup> Street, S.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- § 205 (Child Development Center); and
- § 413.9 (Retaining Walls).

OP recommends **approval** of the following area variance:

- § 2116.4 (parking not permitted between a building line and a lot line abutting a street, parking proposed between the building line and the lot line abutting Trenton Street, S.E.)

OP recommends **denial** of the following area variance:

- § 2116.4 (parking not permitted between a building line and a lot line abutting a street, parking proposed between the building line and the lot line abutting 4<sup>th</sup> Street, S.E.)

**II. LOCATION AND SITE DESCRIPTION**

Address	3418 4 <sup>th</sup> Street, S.E.
Legal Description	Square 5969, Lots 169 through 187
Ward	8
Lot Characteristics	Unusually shaped corner lot with steep topography and no alley access
Zoning	R-4 – flats, row houses and conversions. Child development centers permitted by special exception.
Existing Development	Two one-story abandoned concrete industrial structures and a 40-foot wide concrete driveway from 4 <sup>th</sup> Street. All existing improvements to be removed.
Adjacent Properties	North: Across Trenton Street, multi-family building South: Townhouses East: Apartments and single family detached dwellings West: Across 4 <sup>th</sup> Street, Ballou Senior High School
Surrounding Neighborhood Character	Mixture of one-family detached and multi-family dwellings, and public schools



### III. APPLICATION IN BRIEF

Proposal	<p>Construction of a one-story 19,000 square foot child development center for 100 low-income and homeless children and 38 teachers and staff within the central portion of the site. A twenty-space<sup>1</sup> parking lot would be constructed at the north end of the site, at the corner of 4<sup>th</sup> and Trenton streets, with vehicular access from 4<sup>th</sup> Street, S.E. Areas for outdoor play would be provided between the parking lot and the building and behind the proposed building. A bio-retention area would be provided on the south side of the lot.</p> <p>A walkway would be constructed around the building, providing direct ingress and egress to all classrooms for programming needs. Tiered retaining walls would be constructed along the western (4<sup>th</sup> Street) and southern (rear) sides of the property, including one at a height of 78 inches to create a level site.</p>
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### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-foot max.	N/A	18 feet	None required
Lot Width § 401	40-foot min.	50.73 feet	51 feet	None required
Lot Area § 401	4,000 SF min.	57,199 SF	57,199 SF	None required
Floor Area Ratio § 402	None prescribed	N/A	0.33	None required
Lot Occupancy § 403	40% max.	N/A	33.2%	None required
Rear Yard § 404	20-foot min.	N/A	61.7 feet	None required
Side Yard § 405	8-foot min.	N/A	8.42 feet	None required
Retaining Walls § 413.9	4-foot max.	N/A	6.5 feet	<b>Required</b>
Parking § 2101	1 per 4 employees or 10 spaces min.	N/A	20 spaces	None required
Location of Parking Spaces § 2116.4	Not permitted between building line and lot line abutting a street	N/A	Parking between building and lot line abutting a street	<b>Required</b>

<sup>1</sup> The application was originally filed with a site plan showing a 20 space parking lot; this was subsequently amended to show a 13- space parking lot set back further from 4<sup>th</sup> Street SE; and then amended back to a 20 space parking lot.

## V. OFFICE OF PLANNING ANALYSIS

### a. Variance Relief from § 2116.4, Location of Parking Spaces, Trenton Street, S.E.

#### i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is unusually shaped with steep topography. It narrows from south to north, with the steepest topography at the southern end of the site. Construction of the building or the parking on the south side of the lot is not feasible due to topographical constraints. Similarly, construction of an eighty by 120-foot building at the north end of the site, where the site has a fifty-foot width along the Trenton Street frontage is not feasible, resulting in the siting of the structure toward the center of the property, and the parking on the north end of the site, between the building and Trenton Street.

Parking is proposed to be located between the building line and the lot line of Trenton Street, where the lot is relatively level. Due the width of the site in the central portion of the property the applicant would be unable to locate the spaces behind the building, with the north side of the site the only feasible location for the parking due to topographical constraints on the south side of the site.

#### ii. No Substantial Detriment to the Public Good

The proposed parking would be behind the building line of the structure along the 4<sup>th</sup> Street frontage, the perceived front of the building. Parking between Trenton Street and the north building line of the building would not detract from the streetscape of Trenton Street due to narrowness of the frontage of the subject property along that street.

#### iii. No Substantial Harm to the Zoning Regulations

The requested variance would allow the applicant to locate the parking and the building on this unusually shaped property with steep topography in a manner consistent with and the physical restraints of the site.

### b. Variance Relief from § 2116.4, Location of Parking Spaces, 4th Street, S.E.

#### i. Exceptional Situation Resulting in a Practical Difficulty

The subject property narrows from south to north and is at its narrowest on the north side of the site, where the parking lot is proposed. The width is sufficient to provide at least thirteen parking spaces, as documented by the applicant's submission dated September 17, 2014 (see Exhibit No. 30). This is in excess of the minimum of ten required without requiring an area variance to park between the building line and the lot line along 4<sup>th</sup> Street. Therefore, there is no exceptional situation resulting in a practical difficulty.

#### ii. No Substantial Detriment to the Public Good

Locating the accessory parking spaces between the building line and the street line of 4<sup>th</sup> Street would adversely and unnecessarily impact 4<sup>th</sup> Street and the pedestrian

experience along this section of 4<sup>th</sup> Street by providing accessory parking closer the public sidewalk than the proposed building with which it would be associated.

**iii. No Substantial Harm to the Zoning Regulations**

The 4<sup>th</sup> Street facade of the building would appear as the front from the street, and not the side, as is the case with the Trenton Street frontage. Accessory parking lots should appear secondary to the primary use of the lot, and not be prominently sited. Extending the parking lot forward of the building line along 4<sup>th</sup> Street would make the parking more prominent than the front of the building, contrary to the intent of the Zoning Regulations.

**c. Special Exception Relief pursuant § 413.9, Retaining Walls**

- i. *Retaining walls not meeting the requirements of this section, may be approved by the Board of Zoning Adjustment as a special exception pursuant to § 3104.1. In addition to meeting the general conditions for being granted a special exception as set forth in that subsection, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would to make full compliance unduly restrictive, prohibitively costly, or unreasonable.*

The subject property slopes downward by thirteen feet from north to south on the west side, and by twenty feet on the east. As a result much of the southeast corner of the property, which is also the widest part of the lot, contains the steepest topography. Use of retaining walls on the east side of the site would allow the applicant to construct a level building with an exterior walkway around the building. This walkway would provide access to the outside from each classroom, in conformance with the requirements of the National Association for Young Children/Head Start/Early Head Start program, of which the applicant is a member.

The lot also narrows from south to north, from a width of 213 feet on the south to 50 feet on the north. Conformance with the provisions of § 413 would require three tiers of retaining walls, instead of the proposed two, shifting to the building to the east and toward the rear of the site as the lot begins to narrow, reducing the size of the structure while shifting it away from the street.

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

The proposal would provide for separated tiered retaining walls to allow for the development of the subject property with a use otherwise permitted within the R-4 by special exception. With the exception of a portion of the second retaining wall along the southern portion of the property that would not conform to the maximum permitted for a retaining wall facing a street, the retaining walls as proposed would conform.

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

The proposed retaining walls would be designed to blend with materials used in the building and integrate with the architecture. Most of the retaining walls would be in compliance, and the granting of this relief would allow for the development of this otherwise vacant and abandoned property.

**d. Special Exception Relief pursuant to § 205, Child Development Centers**

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

The application indicates that the proposed center would be in conformance with all applicable requirements, including teacher/ student ratios, indoor and outdoor space and suitable equipment, and the Office of the State Superintendent of Education, Division of Early Learning, Child Care Licensing Unit (OSSE/DEL//CLU) the agency responsible for licensing child development centers, recommended that the application be granted. Design of the building would conform to the requirements of the National Association for Young Children/Head Start/Early Head Start program.

- 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.*

Ninety-nine percent of the children and seventy percent of staff are expected to arrive by public transportation. For children that arrive by car, the applicant worked with DDOT to designate fifteen minute parking on 4<sup>th</sup> Street to the front of the property for pick-up and drop-off, with staff assigned to meet the children at the main entrance as they arrive.

- 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 applicant proposes to provide thirteen parking spaces, in excess of the minimum ten required by the Zoning Regulations.

- 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 center, including the outdoor play areas, is proposed to be screened from the adjoining residential uses to the east by a six-foot high board-on-board fence. In addition to the fencing, a row of white pines would buffer the proposed parking lot from the adjoining residential property to the east in those areas where sufficient planting space exists.

The outdoor play area on the east side of the facility would be screened from the adjoining multi-family housing by the proposed board-on-board fence, and buffered through the use of eighteen Foster's Hollies, an evergreen tree.

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 does not recommend any special treatments.

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 proposed.

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 is one other child development center within one thousand feet of the subject property at Ballou Senior High School, located across 4<sup>th</sup> Street from the subject property. However, that center serves only twenty children who typically arrive by bus while their parents attend school. As the two centers would be serving different populations, and the majority of the students at each center would arrive by public transportation, there should be no resulting adverse impact on the neighborhood from the granting of the proposed child development center.

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.*

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.*

OSSE recommended approval of the application and indicated that the center would only be licensed pursuant to the requirements of Title 29 DCMR, Chapter 3, Child Development Facility Regulations.

No comments were received from DDOT.

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

The proposal would allow for the construction of a child development center as by the Zoning Regulations, as permitted by the Zoning Regulations.

**iii. Would the proposal appear to tend to affect adversely the use of neighboring property?**

The proposed use would be adequately screened and buffered from the adjacent residential properties to the east through the use of fencing and landscaping. The townhouses to the south would be buffered from the proposed use by the change in topography and by the more than sixty-foot yard between the proposed building and the rear lot line, minimizing the impact the child development center would have on those residential townhouses.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

The OSSE recommended that the special exception be granted in a memorandum dated August 19, 2014.

No other comments were received from District agencies.

**VII. COMMUNITY COMMENTS**

The Chair of ANC 8C submitted a letter to the file in support of the application.

The Single Member District Commissioner for ANC 8C04 submitted a letter to the file in support of the application.

Ballou Senior High School submitted a letter to the file in support of the application.

Four community residents submitted letters to the file in support of the application.

No comments were received from the full ANC 8C.

Attachment: Location Map

