

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: March 1, 2016

SUBJECT: BZA Case 19210 at 4226-4228 4th Street, S.E. for a special exception to allow and expand an existing child development center in the R-5-A District.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 205, Child Development Center

Subject to the following condition:

- The student enrollment shall not exceed 33, ranging in age from 0-5. The final number of students licensed for the center will be determined by the Office of the State Superintendent of Education (OSSE).

II. LOCATION AND SITE DESCRIPTION

Address	4226-4228 4 th Street, S.E.
Applicant:	Allison C. Prince, for the owner Atlantic Gardens Redevelopment LP
Legal Description	Square 6207, Lot 30
Ward / ANC	Ward 8; ANC 8D
Zone	R-5-A – Low Density Residential
Historic District or Resource	Not applicable
Lot Characteristics	The 55,627 L-shaped lot has approximately 136 feet of frontage along 4 th Street, and widens toward the rear, where the property line is about 189 feet in length. The property does not have alley access.
Existing Development	The property is currently developed with multifamily building consisting of affordable rental units serving low and moderate-income families, which is permitted in this District. There is an existing child development center for 20 children located on the ground floor.
Adjacent Properties	To the north, south, and west, across 4 th Street, are existing multifamily developments. To the east, are existing row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly residential, with some commercial uses located along South Capitol Street, located a few blocks west of the site.

Proposed Development	<p>The applicant proposes to expand an existing child development center located on the ground floor of the Atlantic Gardens multifamily development. The Center currently accommodates 20 children and four staff, and the applicant has requested an increase to 33 children and nine staff.</p> <p>The applicant notes that the Center has no previous Board approval. Since the Center was originally operated by DC Government, it was exempt from the requirement to obtain a special exception; however, the proposal to increase the number of children and staff require compliance with current requirements, which includes the approval of a special exception.</p>
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III. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to § 205, Child Development Centers

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

The Office of the State Superintendent of Education (OSSE) previously granted a license to operate the facility as a Child Development Facility in 2014. The applicant has indicated that they will apply for a new license requesting an increase in children and staff in the facility. As of the date of this report, OP has contacted OSSE regarding this application, but has not received a response; however, the applicant has stated that OSSE has inspected the space and is waiting for approval of the special exception prior to allowing the additional children and staff.

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 has indicated that the majority of the children attending the center live at Atlantic Gardens. As a result, the children are walked to the center entrance by their parents, and create no objectionable traffic conditions.

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 has indicated that two off-street parking spaces for staff and visitors have been provided within approximately 30 feet of the Center's entrance. A site plan identifying the location of the spaces was provided in the applicant's pre-hearing statement.

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 applicant has stated that there is an existing play area to the east of the Center, which is currently being renovated into two fenced play areas for two different age groups. The play areas are not expected to create objectionable impacts on adjacent or nearby properties, as children in the Center are always supervised by staff in accordance with the rules and regulations of OSSE. The applicant provided a site plan showing the location of the play areas in the pre-hearing statement.

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.*

The Office of Planning does not recommend special treatment of the facility.

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

The applicant has indicated that the facility does not use off-site play areas. However, there would be two play areas located adjacent to the Center, which are easily accessible to children and staff and would not require a specialized transport system.

205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within on 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.*

The Office of Planning is aware of a child development center located at 4233 6th Street, S.E., just over 300 feet from the subject child development center, which is licensed for 52 children. It is not anticipated that an increase in the subject facility will result in adverse impacts in the neighborhood. The subject facility is accessed via 4th Street, while the other is accessed from 6th Street. Further, most of the children attending the subject facility live in Atlantic Gardens and arrive by walking, so traffic would be minimally impacted. Given that the subject center uses an on-site playground, noise and operations should not be affected by the applicant's request to allow additional children at the subject facility.

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 report.*

The application has been provided to the required agencies for review.

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.*

While OP was unable to obtain comments from OSSE regarding this proposal, the applicant has been coordinating with the agency, which has conducted an inspection of the space. The Center is currently operating under a license issued by OSSE for the number of children and staff currently served by the facility.

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

The proposed child development center expansion appears to be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The child development center provides, and would continue to provide, an essential neighborhood service in a mostly residential area. The use is permitted in the R-5-A District provided that the conditions of a special exception have been met, which has been demonstrated by the applicant.

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

The proposal would not appear to affect the use of neighboring property adversely. The child development facility is already located on the ground floor of a residential building, and the proposed increase of thirteen children and five staff should not adversely affect the use of neighboring property. The proposed increase would allow for the accommodation of more children at a facility within a residential neighborhood, providing an accessible and useful service to families with small children. Care would be provided at no cost to eligible parents, allowing them to attend training and work opportunities, and promoting economic independence.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments from other District Agencies have not been received.

V. COMMUNITY COMMENTS

The applicant has indicated that the ANC representative for the Atlantic Gardens apartment building has expressed support for the requested relief. To date, OP has not received any comments from the community regarding this application.

Attachment: Location Map

Location Map

