

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: July 12, 2016

SUBJECT: BZA Application 19277 (3302 18th Street, N.E.) for a special exception to permit a child development center

I. BACKGROUND

At a June 14, 2016 meeting with the agent for this case and for BZA Applications 19278 and 19292, Office of Planning (OP) staff explained the procedural and substantive requirements that needed to be addressed, and the concerns OP had about each application. Additional information (Exhibit 36) about proposed child drop-off/pick-up procedures, which was due no later than July 6, 2016, was submitted on July 11, 2016. The applicant also provided OP with partial responses to the 11 DCMR § 205 criteria by which such applications are evaluated. However, this information was not in the case file as of 4:00 p.m. on July 11, 2016. To the extent permitted by the time remaining before OP's report was due to be filed, this OP report has been updated to consider both the information in Exhibit 36 and the § 205 information provided at that time only to OP.

II. OFFICE OF PLANNING RECOMMENDATION

Despite the additional information the case record is still not sufficient to fully evaluate the application and OP **cannot make a recommendation** on the requested special exception pursuant to:

- § 205 [per §332.1(a)], Child Development Centers (not addressed by Applicant)

Relief may also be required from the parking requirements of § 2101.1, as noted in Section V.

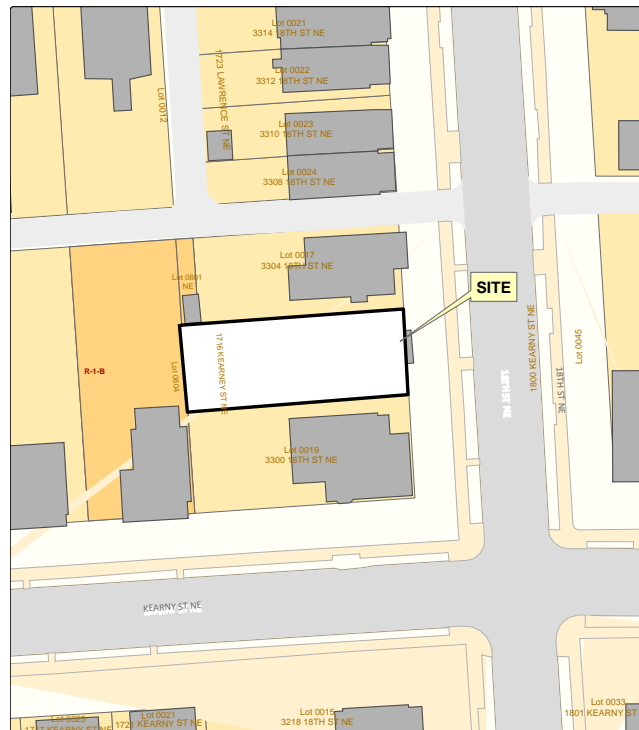
III. LOCATION AND SITE DESCRIPTION

Address	3302 18 th Street, N.E.
Applicant	Orpel Tucker (Sanders) for Woodbridge Day Care Center I filed by Ian Swain of Commun-ET as agent.
Legal Description	Square 4143, Lot 800
Ward, ANC	Ward 5, ANC 5B
Zone	R-1-B
Lot Characteristics	Rectangular mid-block lot with no alley access
Existing Development	One-family detached dwelling used as a child development center
Adjacent Properties	Primarily one-family detached and semi-detached dwellings

Surrounding Neighborhood Character	Low density residential
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IV. PROJECT DESCRIPTION IN BRIEF

Proposal	Due to denial of a certificate of occupancy for a daycare center, the applicant seeks to receive special exception permission to reinstate operation of a child development center for 30 children up to three years of age and 14 staff
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V. ZONING REQUIREMENTS

The applicant has not filed complete zoning information.

Parking § 2101	1 space per 4 employees	None	None	<i>TBD. 14 employees, but number on site at one time not known</i>
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VI. OFFICE OF PLANNING ANALYSIS

The applicant provided information to OP on July 11, 2016 that was intended to address 11 DCMR § 205's special exception criteria for Child/Elderly Development Centers and Adult Day Treatment Facilities. This information was not in the case file at the time OP completed its report.

205 Child/Elderly Development Centers and Adult Day Treatment Facilities

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 applicant has not submitted information that it operates in compliance with code and licensing requirements.

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 provided the District Department of Transportation (DDOT) and the case file with information about how children arrive at the facility, and how pick-up and drop-off occurs. DDOT has not responded to the proposals at the time OP completed this report.

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

No off-street parking exists at the site. Four off-street parking spaces are required by the use pursuant to § 2101, but no application has been filed with the Office of Zoning (OZ) requesting this relief.

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.

Photographs submitted with the application show an outdoor play area to the front of the building within public space, but no information was provided concerning its use, including hours, maximum number of children that using it at any one time or hours.

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.

Although the applicant included a sample letter in support of the application in the information sent to OP on July 11, 2016, such letters were not listed in IZIS as of 4:00 p.m. on July 11, 2016. The file contains two letters in opposition to the application from residents of adjacent properties.

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.

The application indicates that the applicant utilizes the John Burroughs playground for recreational play and that this playground is within walking distance.

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.*

The application indicates that there is not another child development center within 1,000 feet of the subject property.

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.*

The Office of the State Superintendent of Education (OSSE) notified the applicant on January 28, 2016 of OSSE's intention to revoke the daycare operator's license as of March 14, 2016, due to the lack of a certificate of occupancy

OSSE filed a memorandum dated May 26, 2016 in support of the current BZA application (Exhibit 29).

No other agencies responded.

VII. OTHER DISTRICT AGENCY COMMENTS

The Zoning Administrator "disapproved" the daycare center's application for a certificate of occupancy on March 25, 2016 (Exhibit 4) and on May 3, 2016 (Exhibit 27).

VIII. COMMUNITY COMMENTS

No comments were received from ANC 5B.

The resident of the adjacent property at 3304 18th Street, N.E. filed a letter in opposition (Exhibit 33).

The resident of the adjacent property to the west (rear) at 1716 Kearny Street, N.E. filed a letter in opposition (Exhibit 34).