

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 15, 2016

SUBJECT: Supplemental Report --BZA Case No #19278- Per Subtitle X, Chapter 9, Special Exceptions: Subtitle U § 203.1(g), to operate a daytime care facility in an existing row dwelling at 424 Irving Street, N.W.; and Subtitle C § 703, off-street parking requirements

I. BACKGROUND

This is one of three cases filed by the same agent for the same daytime care operator. Originally filed under the 1958 zoning regulations, the hearings for all three applications were postponed at the Applicant's request. All cases have been re-filed and are now being considered under the 2016 Zoning Regulations. Although the regulations have changed, the facts of the application have not. Accordingly, this report incorporates information, community comments and agency reports filed under both the 1958 regulations and the 2016 regulations.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning ("OP") recommends special exception **approval** of the Applicant's provision of a daytime care facility pursuant to:

- Subtitle U § 203.1(g), Daytime Care Facility in the RF-1 zone; and
- Subtitle X, Chapter 9, General Special Exception Criteria.

Subject to the following condition:

That the applicant identifies the location of outdoor play while the proposed off-site playground location is closed during the construction of the Bruce-Monroe PUD, ZC Case No. 16-11.

III. PROJECT DESCRIPTION IN BRIEF

Due to denial of a certificate of occupancy for a daycare center, the applicant seeks to receive special exception permission to reinstate operation of what the zoning regulations now refer to as a daytime care facility for 27 children served by a staff rotating among 14 people.

IV. LOCATION AND SITE DESCRIPTION



Address	424 Irving Street NW
Applicant	Orpel Tucker (Sanders) for Woodbridge Day Care Center III filed by Ian Swain of Commun-ET as agent.
Legal Description	Square 3050, Lot 138
Ward, ANC	Ward1, ANC 1A
Lot Characteristics	Rectangular lot with rear alley access and two off-street parking spaces
Zoning	RF-1: row and semi-detached single family dwellings and flats
Existing Development	Row dwelling, permitted in this zone
Adjacent Properties	Row dwellings to the east and west; an apartment building to the south.

V. ZONING REQUIREMENTS AND OP ANALYSIS

Special Exception for a Daytime Care Facility

A daytime care facility is permitted as a special exception in R-Use Groups A, B, and C, subject to the conditions in Subtitle X, Chapter 9, and the following conditions in Subtitle U § 203.1(g), which are specific to the use.

- (1) *The 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;*

DDOT, under both the 1958 and 2016 zoning regulations, evaluated the information provided by the applicant and concluded that the facility would not create objectionable traffic conditions or unsafe conditions for pick-up or drop-off, provided the applicant complies with the following conditions noted in DDOT's supplemental report dated September 8, 2016 report (Case Exhibit 48).

- a. Drop-off and pick-up employing vehicles shall occur only from the rear of the property, using the public alley;
- b. Vehicles shall access the rear of the site by entering the public alley at Irving Street and exiting at Warder Street;
- c. Staff shall assist with pick-up and drop-off from vehicles, to prevent parking in the public alley;
- d. To all clients, the Applicant shall provide information that includes a vehicle circulation plan that shows one-way access to the rear of the site, language notifying clients that parking is not allowed in the alley or on the south side of Irving Street, and a list of locations where parking is allowed, such as Warder Street.

DDOT has informed OP that the applicant has agreed to these conditions. Two off-street parking spaces are required and two are proposed, directly accessible from the public alley.

- (2) *Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

The application indicates that the Bruce-Monroe playground would be used for off-site play. A portion of this playground site is included in a PUD application (ZC 16-11) that is scheduled for a public hearing by the Zoning Commission on December 5, 2016. Although a new, permanent playground would be constructed as part of this PUD, the Applicant for this case has not addressed where outdoor recreation would be provided if the PUD is approved and under construction.

- (3) *The Board of Zoning Adjustment 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; and*

OP makes no recommendations for special treatment.

- (4) *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 may be approved only when the Board of Zoning Adjustment 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 applicant states that there are no other child development centers within 1,000 feet. The operator of the subject facility also operates a daytime care facility at 629 Columbia Road, N.W. Based on measurements using OP's geographic information systems (GIS), the two facilities are within an approximately 950 foot radius of each other. However, the two facilities should not have a cumulative effect on the neighborhood.

Special Exception Review Standards, Subtitle X, Chapter 9

- (a) *Will be harmony with the general purpose and intend of the Zoning Regulations and Zoning Maps;*

Provided the applicant identifies a suitable location for outdoor play, the subject application would be in conformance with the RF-1 zone.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

The proposed facility would allow for a daytime care facility for children to be located within a residential zone, where it can accommodate the needs of residents of the surrounding community.

- (c) *Subject in specific cases to the special conditions specified in this title.*

The application is in conformance with the special conditions for the proposed use, except that as there would be no outdoor play provided at the site, the applicant should identify the location of off-site play during the time the outdoor play area at Bruce-Monroe Park is under reconstruction.

VI. OTHER DISTRICT AGENCY COMMENTS

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. However, OSSE filed a memorandum dated May 26, 2016 in support of the BZA application filed under the 1958 regulations (Case Exhibit 24).

The Zoning Administrator "disapproved" the daycare center's application for a certificate of occupancy on March 25, 2016 (Case Exhibit 3) and on May 3, 2016 (Case Exhibit 26).

DDOT's report has been discussed above.

VII. COMMUNITY COMMENTS

ANC-1A submitted a letter to the file in support of the application (Case Exhibit 30).

A petition signed by nine residents in support of the application was submitted to the file (Case Exhibit 38).