

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
Joel Joel Lawson, Associate Director Development Review
DATE: February 1, 2018
SUBJECT: **BZA Case 19668** - Special exception relief pursuant to U § 203 to continue operation of an existing child development center at 4628 H Street S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval of special exception relief** to permit the continued operation of the existing child care center in accordance with U § 203.1 (g);

Subject to the following conditions, as modified from the previous Board Order # 18433 (~~stricken text deleted~~):

1. ~~This approval shall be three (3) years from the date of issuance of this order.~~
2. Enrollment shall not exceed 30 children from 2 months to 6 years of age and the maximum number of teachers and staff center shall not exceed 8.
3. The center shall operate for 23-hours a day, Monday through Friday (8:00 AM to 7:00 AM).
4. Most children shall be dropped-off between 8:00 a.m. and 10:00 a.m. and picked-up between 3:00 p.m. and 6:00 p.m. Other drop-off and pick-up times shall be tailored to fit the needs of the families served.
5. The staff shall help the children to and from the center during drop-off and pickup.
6. Two parking spaces shall be provided onsite for teachers and staff and employees shall be prohibited from parking on the street in front of, or adjacent to, the property where the center is located.
7. Trash from the child development center shall be collected at least once weekly by a commercial contractor.

The applicant has agreed to the modification stating that, should the need arise for additional clients, the center would have to relocate where more children could be accommodated.

II. LOCATION AND SITE DESCRIPTION:

Address:	4628 H Street SE
Legal Description:	Square 5359, Lot 0328
Ward:	7/ANC7E03
Lot Characteristics:	A rectangular interior lot 3,000 square feet (0.07 acre) in size that gently slopes down toward a retaining wall along the rear property boundary. The property faces the 46 th Street intersection with H Street. Beyond the retaining wall is a ravine that runs perpendicular to the site. An east-west building restriction line traverses the front yard a distance of 15 feet back from the H Street. Sidewalks extend along both sides of the street which also serves two Washington Metropolitan Transit Authority (WMATA) bus routes.
Zoning:	R-2 – child development centers are allowed subject to special exception approval.
Existing Development:	The existing semi-detached building was constructed in 1998 as a one-family dwelling. No residential use remains on the property. Currently there is a driveway and storage building in the western side yard; ramps extend from the front door into the driveway and front yard; and both the front and rear yards are surrounded by fences.
Historic District:	None
Adjacent Properties:	Similar, two-story detached dwellings with front driveways.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Victoria Manley, owner of record.
Proposal:	<p>To continue operation of the existing child development center on the subject property for a maximum of 30 children, and 8 staff. The hours of operations would also remain the same at 23 hours a day.</p> <p>The center currently operates under BZA Order 18433 approved in 2012. No changes to the existing operation or structure are contemplated.</p>
Relief Sought:	§203 – special exception relief to increase the current child care center enrollment, teachers and staff.

III. OP ANALYSIS

U § 203.1 (g) **Daytime Care Uses** ... (R-2)

- 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;*

The applicant commissioned a traffic assessment for the prior and current application which continues to find that:

- Traffic usage on the roadway section next the subject property would remain insignificant due to existing traffic calming measures adopted by the District;
- Trip generation would not be increased as no proposed increase to the number of children or staff is proposed. The center caters to children from the immediate neighborhood which relies primarily on walk and transit trips.
- Current on-street parking supply would be adequate to meet the needs of the proposed center.

There is no indication that the existing child development center has negatively impacted traffic conditions along this frontage of H Street, SE. The applicant stated that current enrollment is from the neighborhood, and that morning arrivals and afternoon departures are generally walk trips or by transit.

- (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;*

A fenced play area with play equipment is provided in the rear yard. This area is screened from H Street by the existing building and there is no indication that noise currently generated onsite has been objectionable to the neighbors. As prior, the applicant indicates that the onsite play area is sufficient.

- (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 does not recommend special treatment to protect adjacent and nearby properties.

- (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 First Rock Baptist Church Child Development Center, located in The Joseph W. King Senior at 4638 H Street, is within 1,000 feet. The center is authorized for 118 children, including 88 preschoolers, 14 infants, and 16 toddlers. Another center is located at 4634 H Street SE and it is licensed to accommodate up to 9 children, including the age-ranges of infant, toddler and preschool. The licensed capacity includes 2 infants, up to 5 preschool children and 2 toddlers. Its hours of operation are between 6:00 am to 6:00 pm and their service area is primarily Ward 7. (Information obtained from dc.gov's [GIS data](#)).

Based on current operations of the subject facility and the existing nearby operations, OP does not anticipate that continued operation of the subject center should create an adverse impact on the neighborhood due to traffic, noise or other similar factors. OP has had no information or complaints from the neighborhood regarding adverse impacts of the subject facility or the cumulative impacts of the existing facilities combined. There is no indication the proximity of these two centers created any adverse impacts.

901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The use is permitted by special exception within the zone, and it continues to operate within the licensing requirements of the Office of the State Superintendent (OSSE).

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

The center has been in continuous operation at this location since 2009 and OP has no indication or knowledge that the operations are inconsistent with the conditions of the order. There is no indication from surrounding neighbors that noise or trash result from the center's operation. OP does not anticipate that continued operation would adversely affect the use of neighboring property.

(c) Will meet such special conditions as may be specified in this title.

Based on analysis of the criteria above, this application generally meets the standards for special exception approval.

IV. COMMUNITY COMMENTS

The Office of Planning has not received community comments to date, nor are there submissions to the record at the writing of this report.

Location and Zoning Maps

