

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

DATE: June 15, 2010

SUBJECT: BZA Case 17987, Supplemental Report II

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of this request to establish a child development center on the subject property for 12 children, pending a review by the Office of the State Superintendent of Education (OSSE) and the receipt of comments from the District Department of Transportation (DDOT).

II. BACKGROUND

The subject application was originally scheduled for public hearing on November 10, 2009. However at the request of Ana Maria Fernandez, the applicant, the Board of Zoning Adjustment (BZA) rescheduled the hearing to March 9, 2010.

In its hearing and supplemental reports, OP listed additional information needed to prepare a final recommendation on this application. On March 9, 2010, the Board rescheduled this case for a second time to June 22, 2010 because there was insufficient information in the public record to consider this case.

Since then, the applicant met onsite with representatives of OP and DDOT, and provided the additional information requested by OP in a letter dated May 16, 2010.

III. OFFICE OF PLANNING ANALYSIS**§ 205 Special Exception ...**

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

The Home Occupancy Permit No. 124831 included with this application was issued for the “El Jardín Infantil” child development home on this site in August 2006. The OSSE confirmed that the existing use is licensed for five children.

In a letter dated July 24, 2009, OSSE also expressed support for the requested special exception under § 205.1 to establish a child development center on the subject property, while noting that the maximum licensed capacity would be subject to the requirements of Chapter 3, Child Development Facilities Regulations under Title 29 of the DC Municipal Regulations.

Based on this information, this standard has been met.

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.

At 70-feet in width, the subject property frontage is sufficient to park three vehicles along the 48th Street during drop-off and pick-up periods (refer to Figure 1). Staff noted during the site visit that permit parking along the square frontage does not extend to the subject property.

The applicant explained pick-up and drop-off procedures:

- Vehicles would travel south from W Street, drop-off or pick-up the child or the children, and then continue south to Macarthur Boulevard by way of V or 48th Streets (refer to Exhibit 1).
- During the morning drop-off period, one teacher would greet the children at curbside then escort them to the teacher in the classroom.
- During the pick-up period, the classroom teacher would escort children outside when notified by the teacher stationed at the curb the parent/caregiver's vehicle is approaching. The parent/caretaker would buckle the child into their car seat.

The applicant's letter noted that some children served by the current child development home live in the immediate neighborhood. Some parents walk their children to the site and directly into the classroom. This practice is expected to continue.

Based on this information, there is no indication that this proposal could result in any objectionable traffic conditions. DDOT may submit comments under a separate cover.

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 anticipated staff for the proposed 12 children would be two master teachers and one teacher assistant (not including the resident applicant). According to § 2101.1 of the regulations, three teachers and staff would require one onsite-parking space.

The applicant indicated that the existing dwelling would continue to be their place of residence if the child development center use was approved. The existing driveway is sufficient to accommodate the space required for the proposed use and a space for the existing dwelling.

Proposed hours of operation would be 9:15 AM to 12:15 PM, with the option to extend care until 2:15 PM. This is a period when maximum on-street parking is available.

Based on this information, this standard would be met.

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 existing board-on-board fence and shrubbery would continue to help screen the outdoor play area in the rear yard from the neighboring properties.

Based on this information, this standard would be met.

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.* No special design treatment is recommended because the site is well screened and no exterior changes to the property are proposed.

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 in traveling between the play area and the center or facility itself.* The property is within ½ block of a public park to the north that is across W Street. Due to a lack of sidewalks, children are ferried to the public park in wagons along 48th Street. There is no indication that the current arrangement has raised any safety concerns.

Pending the receipt of DDOT comments to the contrary, this standard would be met.

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.

OP is not aware of any other child development centers on this square or along this street.

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. ...*

Both OSSE and DDOT were asked to comment (the OSSE responses are noted above).

Figure 1



This standard has been met.

IV. COMMUNITY COMMENTS

This application was considered by Advisory Neighborhood Commission (ANC) 3D on June 2, 2010. According to the applicant, the Commission voted unanimously to recommend BZA approval.

V. CONCLUSION

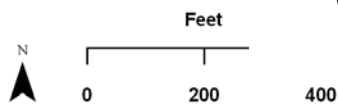
OP recommends approval of this request to establish a child development center on the subject property for 12 children, pending a review by OSSE and DDOT comments.

JS/afj

Attachments: Exhibit 1 Aerial of the 2108 48th Street NW with Western Dwelling Elevation



Vicinity of 2108 48th Street NW with Western Dwelling Elevation



★ ★ ★ Government of the District of Columbia
 Adrian M. Fenty, Mayor

Office of Planning ~ September 24, 2009
 This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

LEGEND

- Metro Bus Routes
- Street Centerlines
- Water
- Parks