



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: January 12, 2010

SUBJECT: BZA Case No. 17975, 6524 8th Street, N.W. (Manna Child Development Home)
Square 2973, Lot 81

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

- **A special exception pursuant to § 205 of Title 11 DCMR**, to permit a child development center, subject to the following condition:
 - Approval shall be for a period of five years.
- The Office of Planning also recommends that the Board approve **an area variance to the off-street parking requirements contained within § 2101.1 of Title 11 DCMR**, reducing the parking requirement for the proposed use from one to zero.

II. AREA AND SITE DESCRIPTION

Address	6524 8 th Street, N.W.
Legal Description	Square 2973, Lot 81
Ward	4
Lot Characteristics	Rectangular corner lot with vehicular access from 8 th Street and alley access from the south
Existing Development	Two-story one-family detached dwelling with one-car attached garage
Zoning	R-1-B– high density one-family detached dwelling residence district
Adjacent Properties	One-family detached dwellings
Surrounding Neighborhood Character	Low density residential

III. APPLICATION IN BRIEF:

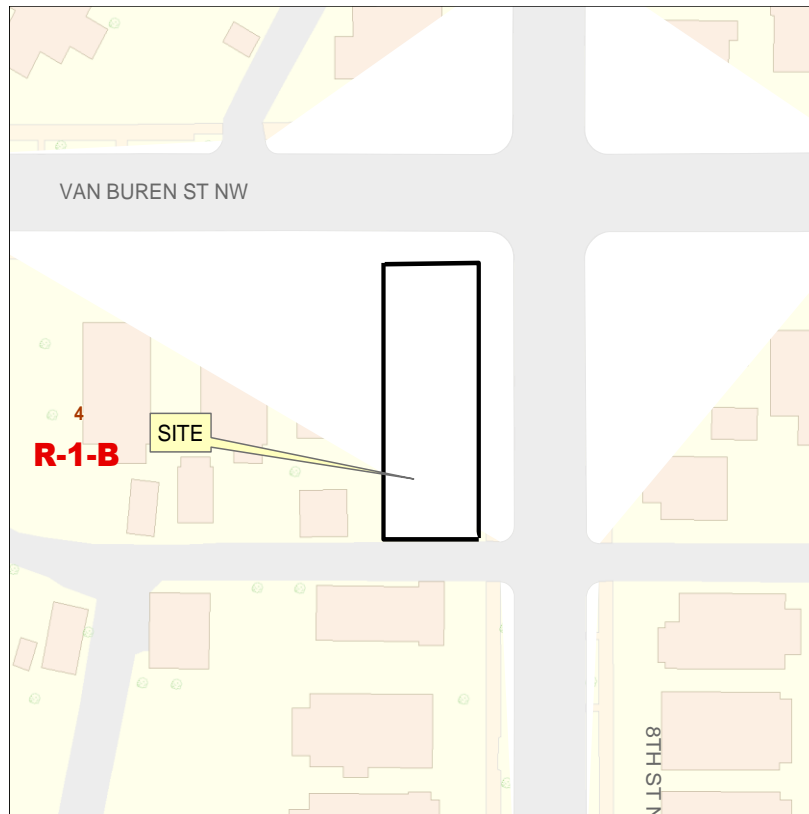
The applicant proposes to establish a child development center for 12 children and 4 staff within her home. Currently, the applicant operates a child development home as an accessory use for 5 children under the age of five. All staff members for the child development center would be either the applicant or family members residing within the residence. No outside help would be employed.

Hours of operation would be Monday through Friday, 7:00 am to 6:00 pm, with one exception. One child would be cared for between 4:30 pm and 11:30 pm, Monday through Friday.



The applicant proposes to utilize the Takoma Recreation Center for outdoor play.

No new construction is proposed.



Zoning and Vicinity Map

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

	Required	Proposed	Relief
Off-street Parking (min.) for Child Development Center	1 space per 4 teachers and employees	None	1 space

V. OFFICE OF PLANNING ANALYSIS

Special exception pursuant to § 205 – Child Development Centers

Use as a child development center shall be permitted as a special exception within a residential district if approved by the Board of Zoning Adjustment, subject to the following provisions.

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, Office of Early Childhood Education, Compliance and Integrity Division, Child Care Licensing Unit (OSSE.OECE/CID/CCLU), the agency responsible for licensing child development centers, recommends that the subject application be approved.

- 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 center would be located at the intersection of 8th Street and Van Buren Street, two roads classified as local streets by the District Department of Transportation (DDOT). On-street parking would be available for parents picking-up or dropping-off children on either 8th Street or Van Buren Street, adjacent to the subject property.

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

One off-street parking space would be required for every four staff members, or one space for a staff of 4. One off-street parking space is provided for the dwelling, as required. All employees of the child development center would be residents of the dwelling in which the center would be located. Therefore, no teachers or employees would be driving to the center, reducing the need for off-street parking.

On-street parking would be available on Van Buren Street, on the north side of the property, and on 8th Street, on the east side of the property, for the short-term parking needs of parents picking-up and dropping-off their children by car. However, no spaces would be specifically dedicated for use by the center. Therefore, although adequate parking would be provided, variance relief to reduce the number of required parking spaces from one to zero is required.

- 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 center would be located within the basement level of a one-family detached dwelling. The children would be walked to the Takoma Recreation Center at 300 Van Buren Street, N.W. for outdoor play. No outdoor play space would be provided at the center.

Child development centers have the potential to generate noise and/or activity that could be found to be objectionable to nearby residents. Therefore, the Office of Planning recommends that the proposed use be approved for a period of five years to allow the Board to re-evaluate the application at that time.

- 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 any special treatments.

- 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 applicant proposes to utilize the Takoma Recreation Center at 300 Van Buren Street, N.W., as an off-site play area, for outdoor recreation for the children. The playground at this recreation center is fenced-in with a gate to control access and protect the children.

Staff members of the child development center would walk the children to the recreation center along Van Buren Street. A public sidewalk is available for the entire distance and cross walks are

provided at all intervening intersections. Along this route only 5th Street is classified as a collector, with the rest classified as local streets. However, 5th and Van Buren is signalized, increasing the safety for pedestrians crossing at this intersection.

- 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 Office of Planning is unaware of any other child development center within the square or within 1,000 feet.

- 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.*

A memorandum submitted to the file by the Child Care Licensing Unit recommended approval of the application. No comments were received from (DDOT).

- 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 Child Care Licensing Unit recommended approval of the application, and indicated that the center would only be licensed pursuant to the requirements of Title 29 DCMR, Chapter 3, Child Development Facility Regulations.

Variance to § 2101.1 – Off-street Parking Requirements

Section 2101.1 sets the minimum number of off-street parking spaces required for the proposed use as one. None are proposed.

Uniqueness

The subject property was developed as one-family detached dwelling in 1926. A one-car attached garage located on the basement level of the house, accessible from 8th Street, satisfies the one off-street parking space required by Chapter 21 for this dwelling. The applicant now proposes to operate a child development center out of the residence, to be staffed by four residents of the dwelling only. The uniqueness is that the subject property would not only provide employment for the four family members that would operate the center, but also provide housing for them. Parking for the four residents is already adequately provided by the one garage space, as defined by Chapter 21.

Practical Difficulty

It would be a practical difficulty to the applicant to have to provide off-street parking for the same family members that would both live and work at the subject property. Although one additional off-street parking space could be located on the subject property, directly accessible from the public alley, the provision of this space would be redundant.

Intent of Zone Plan

The granting of a variance to the number of parking spaces should not have an adverse effect on the Zone Plan. The reduction in parking for the child care center is minimal, as it is equal to only one off-street parking space. Adequate parking would be available for the staff of the center, as they are residents of the

dwelling and parking is provided for the dwelling. On-street parking is available on 8th Street and Van Buren Street for the short term parking needs of parents picking-up or dropping off their children.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OSSE/OECE/CID/CCLU, in a memo dated July 24, 2009, recommended approval of the application.

DDOT, in a memorandum dated January 6, 2010, stated that the proposal would have no adverse transportation impacts.

No other comments were received from other District agencies.

VII. COMMUNITY COMMENTS

The applicant informed the Office of Planning that ANC 4B, at its regularly scheduled meeting of November 23, 2009, recommended approval of the application.

Two community residents submitted letters to the file in opposition to the application.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of a special exception pursuant to § 205, Child Development Centers, and an area variance to reduce the number of required off-street parking spaces from one to zero. However, to ensure BZA and community review of potential impacts from the proposed use, the Office of Planning recommends **APPROVAL** of the application, subject to the following condition:

- Approval shall be for a period of five years.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP