

## **SUPPLEMENTAL MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** June 26, 2020

**SUBJECT:** BZA Case 20186 - To change and an expanded child development home to a child development center at 240 Quackenbos Street, NE.

### **I. OFFICE OF PLANNING RECOMMENDATION**

Elizabeth Hando, applicant, proposes a child development center with a rear addition at 240 Quackenbos Street, NE. Subsequent to the OP Report of February 21, 201 (Exhibit 40) the plans were revised to reduce the size of the addition to eliminate the lot occupancy request and remove the ADA ramp from the front to the rear of the house. Based on the revised DCRA Referral Memorandum, May 8, 2020, (Exhibit 72) the Office of Planning (OP) continues to recommend **approval** of the following special exceptions:

**1. Subtitle U § 203.1(h), Daytime Care Uses pursuant to Subtitle X § 901.2 subject to the following conditions:**

1. The maximum number of children shall be 20. The final number of children allowed will be determined by OSSE at the time of permitting and licensing;
2. The maximum number of staff persons shall be 5; and
3. Hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday.

These conditions are consistent with the applicant's filing and would address potential impacts on the neighborhood and provide additional certainty for area residents.

The final number of children allowed would be determined by OSSE at the timing of permitting and licensure.

**2. Pursuant to Subtitle D 5201.1:**

- Subtitle D § 206.2, side yard (8-feet required; 6-feet existing; 1-foot proposed).

**3. Pursuant to Subtitle C § 703.2, parking:**

- Subtitle 701.5, parking (3 space required, 0 spaces existing, 0 spaces proposed).

### **II. LOCATION AND SITE DESCRIPTION**

Address	240 Quackenbos Street, NE
Applicant	Elizabeth Hando
Legal Description	Square 3719, Lot 24

Ward, ANC	4, 4B
Zone	<i>R-1-B</i> - areas predominantly developed with detached houses on moderately sized lots. Daytime care uses are permitted by special exception.
Historic District	None
Lot Characteristics	The rectangular lot in the northwestern quadrant of the intersection of Quackenbos Street and 3 <sup>rd</sup> Street, NE and has an area of 3,850 square foot. The site slopes gently up from the adjacent streets and flattens out at the top.
Existing Development	The lot is currently developed with a two-story building which is used as an expanded child development home with a play area to the rear of the building. A parking pad in the rear yard is accessed by a curb-cut along 3 <sup>rd</sup> Street but seems to not be in use.
Adjacent Properties	The property to the north is undeveloped, while the properties to the east, west and south are developed with single-family detached residences.
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly single-family detached residences.
Proposed Development	A child development center for children 6 weeks to 12 years and addition to the existing building.



Site Locations

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height	40 ft. max.	20.75 ft.	33.83 ft.	None Required
Lot Occupancy	40% max.; 50% by sp.ex.	16.8%.	37.7%	None Required
Rear Yard	20 ft. min.	66 ft.	31.5 ft.	None Required
Side Yard	5 ft. min	6 ft on the west side 5 ft. on the east side.	1 ft on the west side 6 ft. on the east side.	<b>Required for west side yard</b>
Pervious Surface	50%	No info. provided	62%	None Required
Parking	3 spaces	0	0	<b>Required</b>
Child Development Center	Special Exception	9 students/2 staff	20 students/5 staff	<b>Required</b>

### IV. OFFICE OF PLANNING ANALYSIS

Child development center is a sub-category of Daytime Care which is defined at Subtitle B § 200.2 as:

- (h) *Daytime Care:*
- (1) *The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day;*
  - (2) *Examples include, but are not limited to: an adult day treatment facility, **child development center**, pre-schools, nursery schools, before-and-after school programs, **child development homes, an expanded child development home**, and elder care centers and programs; and*
  - (3) *Exceptions: This use category does not include uses which more typically fall within the medical care or parks and recreation use categories. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care and uses which do not require a certificate of occupancy;*

Child development homes and expanded child development homes are permitted in R Zones as accessory to a principal residential use and the caregiver is required to live on-site, Subtitle U § 250.1(c)(1). A child development center, which is the proposed use, is not defined as an accessory use and therefore there is no requirement that the building be the principal residence of the caregiver.

**1. Subtitle U § 203.1(h) – Daytime Care**

**(h) Daytime care uses subject to the following conditions:**

- (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 proposal is for 20 children, ages six weeks to 12 years old, and five staff persons. The property at 240 Quackenbos Street, NW is at a corner of 3<sup>rd</sup> Street, NE. The applicant states that the children would arrive beginning at 7:00 a.m. and would depart by 7:00 p.m. The applicant anticipates that a majority (approximately 85%) of the children would be from the neighborhood and would be walked to the center. However, for those who drive, drop off and pick up of children would use an assigned area along 3<sup>rd</sup> Street. In response to COVID-19, the applicant states that children will be escorted into the building by a staff member and those who are driven would be picked up by staff at the car. Currently, there are no parking restrictions along 3<sup>rd</sup> Street. The applicant would have a crossing-guard at the intersection of 3<sup>rd</sup> and Quackenbos Streets, and parents would drop off/pick up in the assigned area. The applicant states that the parking policy would be addressed at orientation and parents would be provided with a handbook as well as a website with an overview of the drop off/pick up policy so that all would be familiar with the rules. Carpooling would also be encouraged.

The applicant states that staff would take public transportation or use ride-share services to access the site. The Department of Transportation (DDOT) in their report at Exhibit 36, states that with a maximum of 20 children a pickup/drop off plan is not required and is satisfied that the pickup and drop plans would not create objectionable traffic condition or unsafe conditions. Based on these policies it is not anticipated that the facility would create objectionable traffic conditions or unsafe conditions along 3<sup>rd</sup> or Quackenbos Streets.

- (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 play area is located in the rear and eastern side yards of the property which is amply screened.

- (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*

The applicant has replaced the existing fence along the western property line with a 6-foot high board-on board fence and has relocated the play area to the eastern side yard and only ten children would use the playground at any one time. Infants and toddlers would use the playground between 10:00 am and 10:45 am while the pre-kindergarten children would be outside between 10:45 am and 11:35 am. Further, the children would be picked up from along 3<sup>rd</sup> Street in the mornings and depart at the same locations in the evening. These activities would be on the opposite side of the property and away from 242 Quackenbos Avenue would help to mitigate and minimize sounds and noise to that property. OP did not observe any additional need for screening to protect adjacent 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;*

OP is not aware of any other child development centers or adult day treatment facility in the square within 1,000 feet of the property.

## **2. Subtitle D § 5201, Addition to a Building**

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy;*
- (b) **Yards;***
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant requested special exception relief for the side yard.

*5201.2 Special exception relief under this section is applicable only to the following:*

- (a) **An addition to a building with only one (1) principal dwelling unit; or***
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The proposal would be an addition to principal building.

*5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The addition would maintain the existing six-foot side yard but the proposed handicapped ramp would intrude into the side yard. The addition and the ramp should not affect the light and air to the adjacent property as it would only be approximately 4 feet high with no covering. The addition would extend 10 feet beyond the existing rear of the building while the neighboring building has a one-story addition which is 15 feet back. Neither the addition nor the ramp would unduly cause shadows on the neighboring property.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be compromised;*

The proposed ramp addition, which is required to provide proper ADA access to the building, should not affect the privacy and use of the adjacent property as it is not in the vicinity of any windows to allow direct views into any living areas from the ramp. The proposed building addition would not allow any direct views into adjacent property windows, and the play area is mostly on the eastern portion of the property.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The property is on a corner lot and is visible from Quackenbos Street and 3<sup>rd</sup> Street. The proposed ramp would not be visible from Quackenbos Street as there would be a fence. The addition would be visible from both streets but would not visually intrude on the character, scale and pattern of houses along the street or alley. Since the addition would be three stories and viewed from the street, OP has asked that the building material be brick to complement the other houses in the community. The applicant informed OP that they agree, although revised plans to reflect this change have not been added to the record.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant provided plans, elevations and section drawings, with rear, side and front views of the addition and photographs of the existing situation.

- 5201.4 *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP suggests no special treatment regarding the handicapped ramp but has suggested that the addition be faced in brick. The building currently has solar panels on the roof. The applicant states that she would be working with her provider to replace the panels on the new roof after construction.

- 5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

A child development center is a use permitted in the R-1-B zone as a special exception.

- 5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The proposed structure would have a height of 33.83 feet where 40-feet is the maximum allowed.

**3. SE pursuant to C 703 for the full reduction in the 3 required parking space**

*703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the in accordance with Subtitle C § 701.8;*
- (b) **The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;***
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*
- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*
- (f) All or a significant proportion of dwelling units are dedicated as affordable housing units;*
- (g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*
- (h) **The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:***
  - (1) **A curb cut permit for the property has been denied by the District Department of Transportation; or***
  - (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*
- (i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or*
- (j) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

The applicant states that the property is served by busses which travel along Eastern Avenue to the east and New Hampshire Avenue to the west. The property does not abut an alley and the existing curb cut from 3<sup>rd</sup> Street is not approved and would need a public space permit to be used. There are currently no parking restrictions along 3<sup>rd</sup> Street. The applicant states that all drop-off and pick-up would be done from 3<sup>rd</sup> Street where parents would pull up in their cars and there would be staff persons on hand to pick up the children. The applicant envisions that most of the children would be from the neighborhood and would walk while staff persons would arrive by public transportation or by a car service.

*703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*

The request is for the 3 required spaces.

*703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

The applicant is proposing drop off/pick up along 3<sup>rd</sup> Street and children would be escorted by staff into the center. Parents would be notified regarding the policy. DDOT in their report states that a pickup and drop off plan is not required. However, they did not specifically address the need for a transportation demand management. DDOT was requested to address this issue.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

The Department of Transportation (DDOT) submitted a report (Exhibit 36) stating that the center may lead to minor increases in vehicular, transit pedestrian and bicycle trips and may generate minor on-street parking conditions and vehicle parking demand may increase. However, overall the project would have no adverse impact on travel conditions.

The Office of the State Superintendent of Education (OSSE) submitted a report at Exhibit 34, recommending approval of the proposal in order to benefit the District's growing demand for licensed child care slots.

## **VI. ANC COMMENTS**

The property is within ANC 4B. The ANC voted on January 28, 2019 to support the application (Exhibit 10).

## **VII. COMMUNITY COMMENTS TO DATE**

There are several letters in support and in opposition in the file.