

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14150, of the Washington Hebrew Congregation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to continue to use the subject premises as a child development center and to expand the number of children from twenty to thirty-three children, ages two to seven, a full time staff of seven and part-time staff of two in an R-1-B District at the premises 3935 Macomb Street, N.W., (Square 1818, Lot 833).

HEARING DATE: June 27, 1984
DECISION DATE: July 11, 1984

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the south side of Macomb Street between 39th Street and Massachusetts Avenue, N.W.

2. The subject property is a large site, having over 575 feet of frontage on Macomb Street and about two-hundred feet on 39th Street. The site is bordered on the north and west sides by Glover-Archbold Park.

3. The site is improved with a large brick and stone building used as a temple by the Washington Hebrew Congregation. The building consists of a main sanctuary, nineteen classrooms, libraries, social hall, youth wing and other supporting facilities.

4. In BZA Application No. 13646, by Order dated April 14, 1982, the Board approved the use of the premises as a day care center to be operated jointly by the Congregation and the Jewish Community Center of Greater Washington. Approval was subject to the following conditions:

- A. The use shall be limited to twenty students, ages two to five years.
- B. The hours of operation shall not exceed 7:30 A.M. to 6:00 P.M.
- C. Approval shall be limited to operation by the Washington Hebrew Congregation in conjunction with the D.C. Jewish Community Center.

D. The play area shall be fenced in with a six foot stockade fence.

E. Approval shall be limited to a period of three years.

5. The Center has operated in accordance with the conditions of BZA Order No. 13646.

6. The present application requests permission to continue the use of the premises as a child development center, and to expand the number of children from twenty to thirty-three. The number of staff would also be increased to seven full-time persons and two part-time persons. The Center presently has a waiting list of parents desiring to enroll their children.

7. The hours of operation would continue to be from 7:30 A.M. to 6:00 P.M., Monday through Friday. The center will continue to be operated on the second floor within the existing building. It will not conflict with any other activity in the building.

8. The Center has been licensed for twenty children, and is capable of being licensed for thirty-three children.

9. The use will not be objectionable to adjoining property because of noise, activity or number of students, because it will primarily be conducted inside the building. The exterior play space is located at the rear of the site, adjacent to the park. The large size of the site, combined with the small size of the center, minimizes adverse effects.

10. There is a parking area with space for seventy-five cars at the east end of the building. Only two spaces are required for the number of staff proposed. That area is large enough to provide enough parking spaces and area for drop-off that there will be no adverse impact on Macomb or 39th Streets. The number of children proposed for the center is relatively small, and the vehicle trips generated will have no undue impact on the street system.

11. The Congregation draws its members from a large area of northwest Washington. The center will give priority to members of the Congregation and the Jewish Community Center. Within those groups, additional priority will be given to children residing in close proximity to the site. The building is centrally located to the primary area it serves. The location right off Massachusetts Avenue is convenient to that area.

12. There is approximately 1,295 square feet of outdoor play space located to the north of the west end of the building. The center has no off-site play area.

13. The subject property is attractively landscaped with trees and bushes. The parking area is landscaped on its perimeter, is paved and is maintained free of trash and debris.

14. There is no other child development center within 1,000 feet or in the same square.

15. The Department of Consumer and Regulatory Affairs, by memorandum dated May 29, 1984, reported that the proposed center for thirty-three children can meet all licensing requirements set forth in the Child Development Facility Regulations 74-34 and D.C. Law 2-98. The Board so finds.

16. The Office of Planning, by memorandum dated June 18, 1984, and by testimony at the hearing, recommended that the application be approved. The Office of Planning reported that the outdoor play area is well separated from adjacent residential property. The Office of Planning did not foresee any objectionable conditions affecting the adjoining or nearby properties if the application is granted. The center will not impact on its environs due to noise, as whatever sounds are made by the children's activity on the interior of the premises will be buffered by the building's construction and distance from the nearby dwellings. The sounds made by the children in the exterior play area will be absorbed by the adjacent U.S. park land and blocked by the fence enclosure and parking lot which separates the outside play area from the dwellings on Macomb and 39th Streets. The Office of Planning concluded that the application meets the criteria for approval under Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The projected increase in staff size and student number will be absorbed by the physical accommodations of the facility without impact on the surrounding properties and street system. The Board concurs with the findings and recommendations of the Office of Planning.

17. The Department of Public Works, by memorandum dated June 15, 1984, reported that Macomb Street is a two-way collector street with a thirty-four foot wide roadway and an average daily traffic volume of 4,900 vehicles near the site. 39th Street is a local street with a paved width of thirty-two feet. Parking is unrestricted on both streets. Eleven Metrobus routes pass along Massachusetts Avenue, one block from the site. The Department further reported that a seventy-five space parking lot already exists to serve the Washington Hebrew Congregation facility. During the hours when the child development center is in operation, spaces in the lot are regularly available, since large events seldom occur during these weekday hours. Therefore, staff parking needs can be adequately accommodated on-site in the existing parking lot. Access to this lot is from both 39th Street and Macomb Street. The 39th Street entrance leads to a circular drive with a drop-off area directly in front of the

building's entrance. Pick-up and drop-off of children attending the center will occur on-site, and will not conflict with traffic flow on the surrounding streets. The Board concurs with the findings of the Department of Public Works.

18. Advisory Neighborhood Commission 3C, by letter dated June 8, 1984, advised that it supported the application. No issues and concerns were stated.

19. A petition in opposition to the application from owners and residents of property on Massachusetts Avenue and Macomb Street was submitted to the record. The opposition objected to traffic resulting from services at the temple, to truck deliveries and buses and to the impact on traffic on Massachusetts Avenue caused by three large churches in the area.

20. The Board finds that the conditions cited in the petition are not caused by the existing child development center, nor will expansion of such center create any worsened conditions. The center causes no truck deliveries or buses. As set forth by the Office of Planning and the Department of Public Works, no objectionable traffic or parking conditions will result from the center. The other activities and operation of the temple and other churches in the area are not before the Board.

21. There was no opposition present at the hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The center is capable of being licensed. There are no other centers within 1,000 feet or in the same square. There is no off-site play area. Adequate on-site play space and parking is provided. The site is large enough and the proposed center small enough that the use will not create objectionable noise or traffic conditions.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The use shall be limited to thirty-three students, ages two to five years.

2. The hours of operation shall not exceed 7:30 A.M. to 6:00 P.M.
3. Approval shall be limited to operation by the Washington Hebrew Congregation in conjunction with the D.C. Jewish Community Center.
4. The play area shall be fenced in with a six foot wood stockade fence.
5. Approval shall be limited to a period of five years from the date of expiration of the previous approval, namely from April 14, 1985.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

AUG 17 1984

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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