GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

BZA
Case No. 16650
Exhibit No. 48

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: April 24, 2001

SUBJECT: BZA Application 16650 – Supplemental

D.C. OFFICE OF ZONING
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APPLICATION
This application was submitted by the Southwest Church of Christ requesting a temporary special exception for a community service center under Section 334.1, and pursuant to Section 3103.2, of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends conditional approval of the requested special exception for a period of three years, subject to renewal by the Board of Zoning Adjustment (BZA).

ADDITIONAL INFORMATION
During the public hearing on March 27, 2001, the BZA requested additional background information concerning parking requirements, approved uses and Certificates of Occupancy issued for the subject properties at 1305-1307 Irving Street, N.W.

Required Parking
Section 2101.1 of the Zoning Regulations states that the applicable requirement appears to be one space for every 600 gross square feet of gross floor area and cellar floor area for "All other uses". Since it is not listed as having a specific parking requirement, the community service center use would be subject to this general parking ratio. During the public hearing, the applicant stated that the existing buildings have a total floor area (including cellar area) of approximately 8,000 square feet. The amount of floor area would require fourteen parking spaces.

In a letter dated April 6, 2001, Jerrily Kress, Director, Office of Zoning, requested on behalf of the BZA that the Zoning Administrator assist the Board in determining whether additional zoning relief would be required for the proposed community service center (Exhibit 1). No

Board of Zoning Adjustment
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response has been received to date, however the applicant is pursuing a parking agreement with the Columbia Heights Apartments (located south of Irving Street, N.W.) to provide parking spaces for the duration of the community service center use. Locating required parking spaces off-site would require BZA approval of another special exception under Sections 2116.5 and 2116.6 of the Zoning Regulations. The Board also has the authority to reduce the number of required parking spaces for uses subject to the "All other uses" categorization by 50% by special exception under Sections 2108.1, 2108.2 and 2108.3.

It should be noted that the Department of Public Works Division of Transportation reviewed and reaffirmed its earlier recommendation for special exception approval for no more than three years. In a response to Stephen H. Kline dated April 2, 2001, Kenneth G. Laden, Associate Director for Transportation Planning, indicated that most of the center users will come from the surrounding area; the belief that deliveries and staff parking requirements would not put a significant burden on the community; and the neighborhood is well served by the Metro-bus and the Columbia Heights Metro-rail station (Exhibit 2). This conclusion was reached after considering Mr. Kline's proposed public hearing testimony before the BZA, the applicant's submission, the Office of Planning report and comments from his office.

Approved uses on the subject property

The subject property is zoned R-4. Under Section 334 of the Zoning Regulations, a community service center use is permitted in this zoning district with BZA approval of a special exception.

Section 201.1 of the Zoning Regulations also includes the following use in the list of uses permitted as a matter of right in R-4:

"(n) Certain Community-based Residential Facilities as limited by the following:

(1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; Provided, that the number of persons being cared for shall not exceed six (6); and

(2) Emergency shelter for not more than four (4) persons; not including resident supervisors or staff and their families; …"

The existing provision allowing certain community-based residential facilities as a matter of right was approved in 1995. Prior to this amendment, these facilities required special exception approval by the BZA. According to Office of Zoning records, the following special exceptions were approved for the subject properties:

- On September 23, 1969, the Board of Zoning Adjustment (BZA) issued a Final Order for conditional approval of BZA Application #10168 and a church request to establish a community center use with a caretaker's apartment at 1307 Irving Street, N.W. The Findings of Fact indicated the building was previously used as apartments. The only

condition was that the permit would expire after a period of one year, subject to BZA renewal.

- On August 18, 1970, BZA Application #10489 was granted to continue the community center use for five years subject to renewal by the BZA. However, a Certificate of Occupancy was not secured before the Final Order expired.
- Consequently, the applicant submitted BZA application #11005 to continue the community center use for three years subject to renewal by the BZA (this Order also reinstated BZA Order #10489). This request was granted on December 14, 1971.
- On April 16, 1975, BZA Application #11884 was approved to allow the continuation of the community center use for three more years subject to renewal by the BZA.

Based on this information, 1307 Irving Street, N.W., was authorized for a community center use and apartment for nearly nine years, from September 29, 1969 to June 9, 1978. It should also be noted that a special exception was approved in 1985 for a youth residence care home for ten residents at 1315 Irving Street, N.W. This appears to be the only community-based residential center on file that was approved by the BZA on subject Square 2848.

Certificate of Occupancy

The following Certificates of Occupancy (CO's) have been issued for the subject properties since 1950 (Exhibits 3-6):

- 1305 Irving Street, N.W.: Certificate No. A19867 was issued February 24, 1953 for a rooming house on the first-through-third floors (subsequent CO's issued for 1305 Irving Street, N.W. was as combined with 1307 Irving Street, N.W.).

- 1307 Irving Street, N.W.
  - Certificate No. B9971 was issued in 1958 for an apartment house on "all" floors.
  - Certificate No. A19340 was issued in 1968 for a tenement house on three floors.
  - Certificate No. B71903 was issued in 1970 for a community center building on the basement, first and second floor levels for one year (reference BZA #10168).
  - Certificate No. B94091 was issued in 1975 for a community center on all floors and the basement until 1978 (reference BZA #11884).

- 1305-1307 Irving Street, N.W.
  - Certificate No. B124041 was issued in February 1981 for a community residential facility for 32 residents on all floors and in the basement.
  - Certificate No. B124687 was issued in March 1981 for a community residential facility for fourteen residents, noting "Rooming & boarding house for the purposes of zoning," on the first, second and a portion of the third floor levels.
  - Certificate No. B142488 was issued in 1985 for a community residential facility for 15 residents and four staff persons on the first-through-third floors with basement storage.

The Department of Consumer & Regulatory Affairs is compiling a comprehensive CBRF database for the entire District. According to the current database, License #334 was issued in

1985 to establish the "Saints Missionary" CBRF at 1305 Irving Street N.W. for nineteen persons. The current status of that CBRF is listed as "closed." So the previous CBRF use was licensed, but it was never received BZA Special Exception approval.

RECOMMENDATION

The requested special exception must meet these standards listed under Section 334:

"334.2 A community service center shall be located *so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.*

334.3 No structural changes shall be made except those required by other municipal laws or regulations.

334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

334.5 A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual."

The applicant is taking measures to address concerns about the possible reduction of on-street parking available to neighborhood residents. The Office of Planning continues to think that this application meets the referenced requirements, and to recommend approval of the requested special exception. Consistent with the original request, this approval should be conditioned for a period of three years, subject to renewal by the BZA.

Attachments: Exhibit 1 - Letter to Michael Johnson, Zoning Administrator, from Jerrily R. Kress, Office of Zoning Director, dated April 6, 2001
Exhibit 2 - Letter to Stephen H. Kline from Kenneth G. Laden, Department of Public Works Assistant Director for Transportation, dated April 2, 2001
Exhibit 3 - Certificates No. A19867 & B9971
Exhibit 4 - Certificates No. A19340 & B71903
Exhibit 5 - Certificates No. B94091 & B124687
Exhibit 6 - Certificates No. B124687 & B142488

AA/afj

Exhibit 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Dept. of Consumer & Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
Washington, DC 20009

APR 6 - 2001

RE: BZA Case No. 16650, Southwest Church of Christ, 1305-1307 Irving Street, N.W.

Dear Mr. Johnson:

Testimony was presented to the Board of Zoning Adjustment on April 3, 2001, on the above-identified application. This project was referred to the Board, by your referral letter dated July 28, 2000 (see attached copy). Your letter indicates that the applicant is seeking zoning relief from the special exception provisions of the Zoning Regulations to establish a Community Service Center to support individuals and their families in the R-4 District.

At the hearing, the Board determined that the project may require off-street parking from section 2100.1 of the Zoning Regulations. The applicant did not provide the Board with sufficient information to make the determination. Therefore, the Board is seeking your assistance in determining if off-street parking is required for this project.

The hearing on this application is scheduled to continue on **MAY 1, 2001**. By April 25, 2001, please inform the Board if additional zoning relief is required for this project. The church is represented by Larry Bonner, telephone number (202) 332-1117. Also, representing the applicant are students with the American University, Washington College of Law. The contact person at the university is Brenda V. Smith, telephone number (202) 274-4261.

Beverley A. Bailey is the staff person working on this project. She may be reached on (202) 727-0364.

Sincerely,

JERRILY R. KRESS, FAIA
Director

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Cc: Larry Bonner
BAB/4.6.01

Exhibit 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS
2000 - 14TH STREET, N.W.
6TH FLOOR
WASHINGTON, D.C. 20009



REPLY TO:
DISTRICT DIVISION OF TRANSPORTATION

April 2, 2001

Mr. Stephen H. Kline
1309 Kenyon Street, NW
Washington, DC 20010-0114

Dear Mr. Kline:

I have reviewed your proposed testimony for the Board of Zoning Adjustment hearing on the request for a Temporary Special Exception for a Community Service Center at 1305 – 1307 Irving Street, NW. I also reviewed the applicant's submittal, the report prepared by the DC Office of Planning, as well as the comments prepared by this office on January 8, 2001.

The Division of Transportation's January comments focused on traffic and parking issues related to the requested special exception. It is my understanding from the report of the Office of Planning, that this particular land use does not have a specific parking requirement, but that a general requirement of one parking space for every 600 gross square feet of floor area and cellar floor area would apply. Therefore, the proposed community service center would need to provide approximately 13 spaces to support the proposed 8,000 square feet of development.

My reading of the application and the report from the Office of Planning indicates that most of the users of the Community Service Center will come from the immediate community. I do not believe that deliveries or staffing parking requirements would place a significant burden on the community. The Columbia Heights Metro-rail station is approximately one block away, and the neighborhood is well served by Metro-bus.

Therefore, I believe our initial comments from January 8, 2001 are still correct. The proposed use should have no significant impact on local traffic or parking and we have no objection to the request for a special exception. In that the church proposes to sell the property, we do recommend that the special exception be limited to three years, and that it not be transferred with the sale of the property.

Sincerely,

Kenneth G. Laden
Associate Director for Transportation Planning

Exhibit 3

Form 601 -- CPB **CERTIFICATE OF OCCUPANCY** No. A 19867

Washington, D.C., 2-24- , 19 55

Permission is hereby granted to Eulah Causeway

to use the 1st-2nd-3rd floor(s) of the building located on Lot 57 Square 2849

known as premises 1305 Irving St., N. W. for the following

purpose(s) Rooming house

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES.

"This Certificate of Occupancy need not be renewed unless there is a change in (1) the type of business, (2) address of business, (3) ownership of business, or (4) part of the building used for the business BUT, should there be any change in one or more of the foregoing items a NEW Certificate of Occupancy must be obtained."

CENTRAL PERMIT BUREAU, GOV'T. OF DIST. OF COL.

OFFICE COPY

ZONE Res. GOC FEE $ 4.00

Superintendent of Permits, D.C.

By _____
Permit Clerk

Form 601 – CPB **CERTIFICATE OF OCCUPANCY** No. B 9971

Washington, D.C., FEB. 19TH , 19 58

Permission is hereby granted to BERNARD J. ATCHISON

to use the ALL floor(s) of the building located on Lot 58 Square 2848

known as premises 1307 IRVING ST. N. W. for the following

purpose(s): APARTMENT HOUSE

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF LICENSES & INSPECTIONS, GOV'T. OF DIST. OF COL.

ZONE RES 60 C FEE $ 10.00

Superintendent of Permits.

By _____

Form 601 — CPB

CERTIFICATE OF OCCUPANCY

No. A 19340

Washington, D.C., 8-4- , 19 55

Permission is hereby granted to Mario O. Ridolfi and Thomas P. Ridolfi t/a Eastern Realty Co.

to use the 3 floor(s) of the building located on Lot 68 Square 2848

known as premises 1307 Irving St., N. W. for the following

purpose(s) Tenement house

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES.

"This Certificate of Occupancy need not be renewed unless there is a change in (1) the type of business, (2) address of business, (3) ownership of business, or (4) part of the building used for the business: BUT, should there be any change in one or more of the foregoing items a NEW Certificate of Occupancy must be obtained."

CENTRAL PERMIT BUREAU, GOVT. OF DIST. OF COL.

OFFICE COPY

ZONE Res. GOG FEE $ 4.00

Superintendent of Permits, D.C.

By _____
Permit Clerk

Form 11-P-601

CERTIFICATE OF OCCUPANCY

No. B 71903

Washington, D.C., AUGUST 4, , 19 70

Permission is hereby granted to SOUTHWEST CHURCH OF CHRIST, INC.

to use the 1ST, 2ND, BASE floor(s) of the building located on lot 68 Square 2848

known as premises 1307 IRVING STREET, N.W. for the following

purpose(s): COMMUNITY CENTER BUILDING (ONE YEAR ONLY)

BZA-10168

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

BUR. OF LICENSES & INSPECTIONS, GOVT. OF DIST. OF COL.
DEPT. OF ECONOMIC DEVELOPMENT OFFICE COPY

ZONE R-4 FEE $ 12.00

Chief, Permit Branch

By Brenda Richardson
Permit Clerk

Exhibit 5

Form ZD-P-601 — CERTIFICATE OF OCCUPANCY — No. B 94091

Washington, D.C., AUGUST 14, 1978

Permission is hereby granted to SOUTHWEST CHURCH OF CHRIST, INC.

to use the ALL & BASEMENT floor(s) of the building located on lot 58 Square 2848

known as premises 1307 IRVING ST., N. W. for the following

purpose(s): COMMUNITY CENTER BZA 11084 EXPIRES 6/9/78

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-4 FEE $ 15.00

Chief, Permit Branch

By VERONICA STUBBS
Permit Clerk

DEPT. OF ECONOMIC DEVELOPMENT, GOVT. OF DIST. OF COL.

OFFICE COPY

Form LIS-P-601 (Rev. 9/78) — CERTIFICATE OF OCCUPANCY — No. B124041

Washington, D.C., Feb. 10, 19 81

Permission is hereby granted to SAINT MISSIONARY FOUNDATION, INC.

to use the ALL & BASEMENT floor(s) of the building located on lot 69 Square 2848

known as premises 1303-07 IRVING STREET, N.W. for the following

purpose(s): COMMUNITY RESIDENCE FACILITY UNDER D.C. LAW2-35, 32 RESIDENTS 16 on 2nd Floor., 16 on 3rd Floor., WITH A TOTAL OF 36 PEOPLE LIVING ON THE PREMISES. BASEMENT FOR STORAGE, DINING ROOM AND KITCHEN. (PARTIAL)

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE FEE $ NO FEE

R-4 NEW PERMIT NUMBER BECAUSE OF ERROR. OLD PERMIT NUMBER B123596

Chief, Permit Branch

By [signature]
Permit Clerk

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOVT. OF DIST. OF COL.

OFFICE COPY

Exhibit 6

Form LII P 601
(Rev. 9 78)

CERTIFICATE OF OCCUPANCY

No. B124687

Washington, D.C., March 26th, 19 81

Permission is hereby granted to Saint Missionary Foundation Inc.

to use the Partial Part of 3rd floor(s) of the building located on Lot 69 Square 2849
2nd. 1st. & Bs.gt.

known as Premises 1307 Irving St. N.W. for the following purpose(s):

Community Residnece Facility Under D.C. Law 2-35. 14 residents

Rooming & boarding hse. for purpose of zoning; ~~5 on 2nd. Fl., 6 on 3rd. Fl. 2 on 1st. Fl. With a total of 14~~ people livin: on the prinises.

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-4

FEE $ NO-FEE

Chief, Permit Branch

By [signature] Permit Clerk

DEPARTMENT OF LICENSES INVESTIGATIONS AND INSPECTIONS GOV'T. OF DIST OF COL.

OFFICE COPY

Form LII-P-601
(Rev. 2/82)

CERTIFICATE OF OCCUPANCY

No. B142488

Washington, D.C., 6-25, 19 85

Permission is hereby granted to Saints' Missionary Foundation, Inc.

to use the ~~1st,2nd,3rd~~ floor(s) of the building located on Lot ~~69~~ Square ~~2848~~

known as premises storage 1305-1307 Irving Street, N.W. for the following purpose(s):

~~Community Residence Facility: 15 residents and 4 staff persons.~~

5 residents and 2 staff sleeping on 3rd floor; 7 residents sleeping ~~2nd floor; 3 residents sleeping~~ on 1st floor.

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R4

FEE $ ~~27.00~~

Chief, Permit Branch

By [signature] Permit Clerk

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOV'T. OF DIST. OF COL.

OFFICE COPY

SCANNED