GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: November 20, 2001

SUBJECT: BZA Case # 16789 - Special Exception Request

APPLICATION-IN-BRIEF

Applicant: James M. Dickerson
614 S Street, N.W.
Square 442, Lot 108

Relief Sought: The applicant is requesting a special exception to develop a child development center in an existing church, in the R-4 Zoned District.

From Section: 11 DCMR 3104.1

Relief Sought Under: Subsection 205

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved

Applicant's Justification:

There is a critical shortage of quality after school programs in the Shaw/Howard University Neighborhood. In response to this need, The New Community After School and Advocacy Program, Inc. (NC-ASAP) was inaugurated in the fall of 1988, at the New Community Church, as an after school program for school age children, mostly of low to moderate-income parents. The program has grown from serving six first graders in 1988 to its current service level of 46 children grades Pre-K through12. The program provides a safe after school haven for children between the hours of 3:30 PM when public schools close, until 6:30 PM, the latest parents can pick up their children. Because of the

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increasing number of children in need of after school services, there is a need for a dedicated space in the New Community Church, devoted specifically to the after school program. The parents of children in the program are either working, in job training programs or pursuing education, while the children are receiving quality after care services at the church.

SITE AND AREA DESCRIPTION

The subject premises are in the Shaw/Howard University Neighborhood of Ward 2, located at 614 S Street N.W. The New Community Church, which is on the south side of the block, has been at that location for over twenty years. The New Community After School and Advocacy Program, Inc., after school programs is housed within the church.

AREA ZONING

The subject premise is in the R-4 zone district. The R-4 district is designed to accommodate moderate density residential uses. A child development center is permitted in R-4 Districts by special exception, if the facility meets the provisions of Section 205 of the Zoning Regulations, and is approved by the BZA.

APPLICANT'S PROPOSAL

The applicant, the New Community Church, proposes to reuse a portion of the church offices for use as classroom space for the NC-ASAP. The space is anticipated to accommodate approximately 50 after school students, ages 6 to 18, and six staff members.

The after school program offers a variety of services, including advocacy for students, academic enrichment, remedial assistance, individual tutoring in math and reading, a computer lab, an art program to support the cultural enrichment of students, their parents, and other adults in the neighborhood.

The program involves parents, teachers, other members of the community and other social service organizations in the District mandated to address the educational needs of children. Older children in the program are prepared for post-secondary education, careers, and/or vocational training to become responsible, productive adults. The after care program employ six staff members, four full time and two part time. There are three teachers, a program assistant, a volunteer coordinator, and the executive director. One of the part time employees is studying towards a post-secondary degree, each of the other five staff members have post-secondary degrees in education. One member of the staff has a food handler's license and a CPR Certificate.

Upon completion of the application process, the parents and the students are required to sign a release form, giving school staff permission to advocate for the children at their respective public school. Parents and students are also required to sign contracts,

affirming student behavior and attendance in the program. Parents are further expected to attend monthly meetings and volunteer their time to the program at least once a month.

As an after school program, NC-ASAP is not required to be licensed, but the program needs a license to qualify for District funding, i.e. vouchers for serving low-income families.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area as being in the Moderate Density Residential Land Use Category. Row houses and garden apartments are the predominant uses in this category. Low-density houses are also included in this category.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR §3104.1 the applicant is requesting special exception relief, under subsection 205 to allow a Child Development Center in a church building, located in the R-4 Zoned District.

AUTHORITY TO GRANT SPECIAL EXCEPTION

DCMR §3104.1 is the D.C. Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested special exception.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Section 205 permits Child Development centers in the residential zones subject to the following standards:

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

The Department of Health, (DHS) Licensing Regulation Administration, and Human Services Division has officially inspected the subject after school facility. Each of the punch list items referenced on a Statement of Deficiencies and Plan of Correction Form has been satisfactory addressed by the applicant. The facility does comply with the BOCA Code. There will be 10 on-site parking spaces provided for staff and visitors. One of the on-site parking spaces will be handicapped accessible. DHS approved the after school program for a total of up to 51 students.

205.3 The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children or elderly persons.

The 600 block of S Street, N.W. is not considered a major traffic arterial and there is adequate curb space in front of the church for parents to pick up or drop off their children, without creating an unsafe traffic condition. However, parents are required to use the parking area to the rear of the church when dropping off or picking up students. Additionally, the church is within one block of the Shaw/Howard University Metrorail Station and a majority of the children in the program live within walking distance of the church and therefore walk to and from the program. Most of the smaller children (Pre-K through six grade) are bussed to the program by staff from the local elementary school.

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

There are 10 on-site parking spaces to the rear of the church, which provides a parking area staff and visitors. The parking area can potentially accommodate two additional parking spaces. One of the on-site parking spaces is handicapped accessible.

205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact or nearby properties due to noise or activity, or other objectionable conditions.

Although there is an adequately fenced in play area available for the children, most of the program activities take place inside of the facility. During the long history of the program there have not been objections from neighboring property owner, regarding noise or other negative impacts typically associated with the after school program.

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 shall deem necessary to protect adjacent and nearby properties.

The subject property fronts on S Street. It is adjoined on the west by a residential structure, and is at least 100 feet from the nearest buildings to the east and south. A fence encloses the rear of the building and the property has sufficient landscaping and lighting.

205.7 Any off-site play area shall be located so as not to result in the endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

The children in the after school program, who participate in outdoor recreational activities are protected from vehicular traffic by a fence, which reduces the chance of endangerment to the individuals traveling between the play area and the center itself.

205.8 The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft,) of another child/elderly development center only when the Board finds that the cumulative effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

The applicant and OP are not aware of another child/elderly development center on Square 442 or within one thousand feet (1,000 ft,) of the New Community After School and Advocacy Program, Inc., after school program.

Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The New Community After School and Advocacy Program, Inc., after school programs has existed in the New Community Church since 1988. During this long period, there have been no objections from other neighboring property owners or other community residents as a result of noise generated by the church or any other negative visual impacts associated with the church or the after care program. Therefore, if the Board were to grant the requested special exception, it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

COMMENT COMMENTS

The project was presented to ANC 2C on September 26, 2001. With a quorum present, ANC 2C voted unanimously to support the project with the following condition:

Parents are requested to drop off and pick up their children in the parking area to the rear of the church.

AGENCY COMMENTS

The Department of Health (DOH) Licensing Regulation Administration Human Services Division has officially inspected the subject after school program space. When the DOH inspector visited the after care program, there was a punch list of items identified on a Statement of Deficiencies and Plan of Correction Form to be corrected. The entire punch list items have been satisfactory corrected by the applicator approved the after school for a total of up to 51 students.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by James M. Dickerson, requesting a special exception to permit a child development center, with up to 50 students in a R-4 zone district, the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 205 and concluded the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.