GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: February 11, 2002

SUBJECT: Supplement to Office of Planning's Report
BZA Application #16826 (City Gate)
5917 16th Street, N.W. (Square 2724, Lot 9)

The Office of Planning submitted a report on February 5, 2002 regarding the Special Exception application by City Gate for church programs at 5917 16th Street, N.W. In that report we did not offer a recommendation, as we did not have sufficient information to fully analyze the application. Since then, the applicant had provided additional information concerning the proposed uses on the subject property.

SUMMARY RECOMMENDATION

The Office of Planning does not support the special exception application as the proposal does not met the requirements of Section 216 and the 16th Street Heights Overly District and would disrupt the surrounding community.

PROPOSAL

The proposed activities on the site will include the following programs:

Programs	Time	Number of Persons
After school tutoring program	3 days/week	15 children
ESL	2 days/week	12 children max.
Bulgarian culture and language program	Saturdays	Children from 15 families
House manager and long term volunteers	Long Term	Approx. 4 persons
Short term volunteers	Intermittently for 1 week	Approx. 10 persons
Volunteer group meetings	Monthly or bi-monthly	35 persons max.

Board of Zoning Adjustment
District of Columbia
CASE NO.16826
EXHIBIT NO.31

#31

The applicant is also requesting that they be permitted to have up to 75 persons on the property in order to cover special events.

ANALYSIS

The subject property is in the R-1-B District and is also covered by the Sixteenth Street Heights Overlay District (SSH). Church programs are permitted in the R-1-B District if they meet the outlined requirements.

Section 1551 of the Zoning Regulations, Sixteenth Street Heights Overlay District (SSH) was adopted by the Zoning Commission on July 11, 1994 and states as one of it purposes to "minimize the external negative impacts of non-residential uses that are permitted in the SSH/R-1-B District in order to preserve neighborhood quality". The Overlay was established due to the expanding number of houses that were being converted to human service facilities and private institutions. The overlay grandfathered existing non-residential uses but required that any new non-residential uses or the expansion in excess of 10% of the floor area of an existing non-residential use shall be permitted with the approval of a special exception. The applicant did not submit a Special Exception application for the proposed use. The requirements for a special exception approval are as follows:

"(a) The nonresidential use is capable of being established and operated without adversely affecting the use and enjoyment of neighboring and nearby properties due to traffic, noise, design or other objectionable conditions; and

The combination of programs to be conducted on the site will cause constant activity to and from the property due to the fact that the programs will be conducted at different periods of the day and throughout the week, and could be disruptive to the community. Additionally, the applicant has indicated that they will provide accommodations to large numbers of volunteers intermittently. However, these intermittent time periods have not been defined.

(b) There shall be adequate, appropriately located and screened off-street parking sufficient to provide for the needs of the maximum number of occupants, employees, congregants and visitors who can use the facility at one time; Provided, that the following requirements are met:

(1) The number of parking spaces provided shall be not less than the number required by chapter 21 of this title and shall be located and designed so that they have the least objectionable effects on contiguous or nearby property because of noise, traffic or other objectionable conditions;

(2) Parking spaces and driveways providing access to them shall not be located in a required side yard, or on the lot between the principal building and a street right-of-way, nor in public space abutting the lot;

(3) If five (5) or more open parking spaces are provided, the parking spaces shall be screened from all contiguous residential property by a wood fence or a wall made of brick or stone at least twelve inches (12 in.) thick and forty-two inches (42 in.) high, or by evergreen hedges or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted; and

(4) *Any lighting used to illuminate open parking spaces shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking; any lighting provided shall be the minimum necessary for reasonable visibility by drivers and for security purposes."*

The applicant does not meet the parking requirement as they are only providing two on-site parking spaces in a garage to the rear of the property. The applicant has stated that they will need additional parking spaces but these will be provided by on-street parking where available along 16th and Oglethorpe Streets. The applicant has requested that they would like to have a Certificate of Occupancy (C of O) for up to 75 persons but no off-street spaces are provided to accommodate those persons.

Section 216

Section 216 of the Zoning Regulations requires that church programs meet certain requirements in order to operate. The following demonstrated how the proposal meets these requirements:

216.2 The church program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.

City Gate is a non-profit organization sponsored by the Calvary Baptist Church (8th and H Streets, N.W.) and has a contract with the DC Baptist Convention to train and deploy ministry volunteers in ministries related to churches in the Convention. Of the many programs to be conducted by City Gate, only the after school tutoring and the ESL programs will serve the residents of the neighborhood.

216.3 The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).

City Gate, which is not a church, will conduct social welfare activities both on- and off-site. It is OP's position that this building is not a "church building" although its prior C of O use was for a

church; a use that now ceases to exist and the new use will require its own C of O. The house has accommodated a number of uses over the years.

216.4 The staff conducting the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services.

The applicant has submitted that volunteers will conduct all programs on the site.

216.5 The operation of the program shall be such that it is not likely to become objectionable in the Residence district because of noise and traffic.

The proposal to operate a number of social programs on the subject, be a co-ordination point for off-site programs, and provide long and short term living accommodations is liable to have an impact on the community. The programs offered vary in times and duration and combined with residents going to and from the site could be disruptive to the community whose immediate neighbors are single family homes except for the Ugandan Embassy.

Many of the on-site programs proposed involve having children on the site. It is envisioned that during the warmer months the children may be outside for periods of time that could have an impact on the neighbors. Further, the applicant has stated that the entrance into the building will be off Oglethorpe Street and therefore the impact of persons coming and going from the property will impact more residents than if they entered from 16th Street. The applicant has indicated that many residents will arrive by public transportation and therefore the 16th Street entrance would be closer and have less impact on the residents along Oglethorpe Street.

No on-site parking to accommodate persons coming to the site will be provided. The applicant has stated that most of its participants will arrive by public transportation or vans but no accommodation is made for those who come by car and will therefore have to use on-street spaces in the neighborhood. Furthermore, there will be many time when the number of persons coming to the site will necessitate more than one van and in addition to the cars could impact parking on neighborhood streets.

216.6 No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds.

The applicant currently has a sign identify the building as "City Gate" but does not state the programs to be conducted onsite. The Office of the Zoning Administrator has informed OP that the current site is a violation of this requirement.

216.7 Any authorization by the Board shall be limited to a period of three (3) years, but may be renewed at the discretion of the Board.

If the Board sees fit to approve the proposed special exception, OP would recommend that the applicant provide community contact information to the 16th Street Height Civic Association in order to be a good neighbor and address any community concerns which may arise due to activities on the property.

COMMUNITY COMMENTS

ANC-1B reviewed the application at its February 5, 2001 meeting and recommended that the request for a special exception be denied. The 16th Street Heights Civic Association has also recommended denial of the application.

SUMMARY AND RECOMMENDATION

The proposed application does not meet all the requirements for approval. Section 216.3 requires that church programs be conducted within a church building or structure. The building is not a church building and therefore does not meet this requirement and a variance may be required. Secondly, under the Sixteenth Street Heights Overlay District a special exception is required for new non-residential uses.

Operation of the proposed programs on the subject site causes some concerns due to the potential of having a negative impact of the community. Over the years the 16th Street Heights community has been inundated with a large number of non-residential uses. The community was so concerned that the Zoning Regulations were amended and requirements added that that new non-residential uses do not generate noise and traffic to negatively impact the community. The applicant has not demonstrated that the variety of programs and their times of operation will not have a negative effect of the adjacent residences. Secondly, off-street parking to accommodate any parking requirements generated by their programs will not be provided.

The community has voiced its concerns regarding the proposed use on the subject property. Both ANC-4A and the 16th Street Heights Civic Association think that the proposed uses will negatively impact their community and do not support the application. The Office of Planning is supportive of the proposed programs but does not recommend approval of the special exception request as there remains a number of requirements of Section 216 and the Sixteenth Street Heights Overly District that are not being met and that the proposed uses would disrupt the neighborhood. We are available to work with the applicant and the community to assist in reaching consensus on a proposal that would be more consistent with the Zoning Regulations.

AA/mbr