GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

RECEIVED
D.C. OFFICE OF ZONING
2002 JUN 18 PM 4:04

Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 18, 2002

SUBJECT: BZA Application 16888

APPLICATION
Zion Baptist Church, the applicant, is requesting Board of Zoning Adjustment (BZA) approval of a Special Exception for a child development center on property located at 1219 44th Street, N.E. (Square 5121 Lot 806), and zoned R-1, in accordance with the provisions of Section 205, pursuant to Section 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning makes the following recommendations:

- Approval of a Special Exception to allow a Child Development Center use at 1219 44th Street, N.E., subject to the following conditions:
  1. A Certificate of Occupancy for the proposed Child Development Center must be approved within 30 days after the date of the Final Order;
  2. The use is approved for three years from the date of the Final Order;
  3. The licensed number of children shall not exceed 29;
  4. The number of teachers and support staff shall not exceed 5;
  5. Normal hours and days of operation shall be from 6:00 A.M. to 6:00 P.M., Monday through Friday, however the center shall remain open until all the children are picked up; and
  6. The applicant shall comply with all applicable code requirements for the licensing of childcare facilities as contained in 29 DCMR.

- Approval of a Special Exception to allow the one parking space required for the proposed use to be located on the adjacent property at 1234 Kenilworth Avenue, N.E., subject to the following conditions:
  1. One parking space shall be reserved on this property on weekdays, between 6:00 A.M. and 6:00 P.M. for the proposed Child Development Center; and
  2. This approval shall remain in force for the duration of the companion Special Exception for the Child Development Center.

#26

Board of Zoning Adjustment
District of Columbia
CASE NO.16888
EXHIBIT NO.26

SITE AND AREA DESCRIPTION

The subject 0.07-acre (3,240 square foot) property at 1219 44th Street, N.E., is an interior lot developed with a building formerly used as a single-family dwelling with 1,232 square feet of floor area. The rear of the property abuts Kenilworth Avenue, N.E., which also forms the eastern boundary of the neighborhood. The side and rear yards are also surrounded by a chain-link fence approximately four feet tall. There is no vehicular access to the rear of the property from either frontage. The adjacent property to the north (1234 Kenilworth Avenue) is developed with Zion Baptist Church of Gardens Eastland. An alley fifteen-feet wide extends along the northern property boundary from Kenilworth Avenue to 44th Street, N.E. Parking on the church property is accessed from this alley. There is also a parking pad wide enough for two vehicles in the front yard of the church that is accessed directly from 44th Street, N.E.

Single-family dwellings line neighborhood streets to the south, west and further north. Properties in the general area are all zoned R-1-B (please refer to Exhibit 1).

APPLICANT'S PROPOSAL

Zion Baptist Church would like to continue providing summer and after school programs on the subject property that it owns adjacent to the church property. This proposal appears most similar to a "Child/--Development Center" use listed under Section 199 of the Zoning Regulations (refer to Exhibit 8).

If approved, this would become the second Child Development Center operated by the church in this area. On January 21, 1998, the BZA approved Final Order 16304 to allow a childcare center, for 75 children ages two to six years, to occupy the first floor and basement of Zion Baptist Church. Conditions of this approval include:

- A time limit of ten years;
- The licensed number of children shall not exceed 75, or the maximum number allowed by the licensing agency, whichever is less;
- The number of teachers and support staff shall not exceed 15;
- Normal hours and days of operation shall be 6:00 A.M. to 6:00 P.M., Monday through Friday (however, the center shall remain open until all the children are picked up); and
- The applicant shall comply with all applicable code requirements for licensing of childcare facilities as contained in 29 DCMR.

In April 1998, the Department of Consumer & Regulatory Affairs (DCRA) issued a Certificate of Occupancy (CO) for the referenced center on the church site for up to 65 kids and fourteen staff. In May 2001, DCRA issued another CO for this site for up to 65 youth 1-12 years of age (with up to fifteen children under 2.5 years), and eight staff.

The applicant's Statement of Current and Proposed Use indicates that the church purchased the subject property in January 1995 for the purpose of operating "a learning for children 6-12 years of age." Other documentation indicates that the church operated such a program on this site during the summers of 1999, 2000, and 2001. Only recently was church leadership made aware that the change from residential to Child Development Center use required issuance of a new CO. When the application was

submitted for a program serving 45 children with five staff, the Zoning Administrator responded in a letter dated March 18, 2002, that the proposed use requires BZA approval of a Special Exception (refer to Exhibit 2). The applicant then submitted the subject application.

In conversation, the applicant indicated that this use would operate essentially the same as existing center on church property. They also plan to locate any required parking spaces on the church site.

EXISTING ZONING AND RELIEF REQUESTED
The subject property is zoned R-1-B. A Child Development Center use in this district, and the remote location of required parking, require approval of separate Special Exceptions.

The parking requirement for a Child (and Elderly) Development Center under Section 2100 is one parking space per each four teachers and other employees. Based on this standard the proposed five teachers will require two parking spaces.

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions 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."

A Special Exception for a Child Development Center use is subject to the provisions of Section 205 of the Zoning Regulations. A Special Exception to locate required spaces off-site is subject to the standards under Section 2116 (refer to Exhibit 8).

Compliance with Section 205
Child Development Centers are subject to the following standards:

"205.2 The center shall be capable of meeting all applicable code and licensing requirements.
The former residence has been inspected and approved by the following:

- *Department of Consumer & Regulatory Affairs (DCRA), Building and Land Regulation Administration (BLRA) Fire Protection Division; and*
- *Department of Health (DOH) Licensing Regulation Administration Child Development Center Pre-Inspection for 29 school-age children 6-15 years of age (refer to Exhibits 3, 4 & 5).*

As a result of the last approval, the applicant amended this application to reflect the same client number and age range. Staff recommends this as a condition of approval.

Note that the DCRA Occupancy Inspection (including plumbing, electrical, and structural) will not be done until this use receives BZA approval. As a result, this standard is not met. Staff recommends adding a condition that a Certificate of Occupancy shall be approved for this use within 30 days after the date of the Final Order.

205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons. *The existing buildings front a quiet residential street, although the rear yards abut Kenilworth Avenue, a major vehicular corridor. Traffic along 44th Street appears light, and the combined street frontage of over 200 feet for both church properties provides sufficient room to drop-off and pick-up activities. Note that clients using the center in the church also have the option to perform these tasks from the adjacent alley.*

Based on this information, staff determined that this standard has been met.

205.4 The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. *Based on the referenced parking requirement, and the reduction in the maximum client population under Section 205.2, this use would require one parking space. Since there is no vehicular access to the rear of the property, and the rear yard area is planned to continue serving as recreation space for the center, the applicant proposes to utilize one parking space on the adjacent church property on weekdays during the hours of operation.*

If this space is provided, staff determined that this standard would be met. Therefore, the applicant needs to secure a Special Exception to locate the required parking on the adjacent property. It is also recommended that, designating one parking space on the church property at1234 Kenilworth Avenue, N.E., for the Child Development Center use at 1219 44th Street, N.E., be made a condition of approval.

Based on this information, staff determined that this standard has been met.

205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions. *During the three summers the church operated a center on the subject property, the program utilized the rear yard for outdoor recreation. There have been no indications from the community that utilizing the rear yard for recreation space resulted in objectionable impacts on adjacent and nearby properties. In fact, Rev. Virginia Cunningham, owner of the adjacent residence to the site, signed a petition in support of this use* (refer to the Community Comments Section below).

Based on this information, staff determined that this standard has been met.

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. *No additional screening appears needed based on the above.*

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself. *This standard is not applicable to this application.*

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 effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors. *Based on the expressions of the community support, and the fact that the existing and proposed Child Development Center uses operated together during three consecutive summers, staff does not anticipate that cumulative effect of these two facilities will have an adverse impact on the surrounding neighborhood.*

However, it would be prudent to limit the proposed use to a shorter period of time than the existing Child Development Center on the church lot to allow the community the opportunity to reevaluate the impact of both centers operating simultaneously on a year-round basis.

205.9 Before taking final action on an application for use as a child development center and/or elderly day care center, the Board shall submit the application to the D.C. Departments of Public Works and Health, the D.C. Office on Aging and the D.C. Office of Planning, for review and written reports. *Copies of this proposal were forwarded to these agencies.*

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District. *On June 7, 2002, the DOH inspected and approved the proposed use on the subject property for a maximum of 29 school-age youth from 6-15 years of age. As noted above, the applicant has amended their application accordingly.*

Based on this information, staff determined that this standard has been met.

Staff concluded that this application, as conditioned, meets the applicable standards under Section 205.

Compliance with Section 2116

Relocating required parking off-site to the adjacent church property is subject to the following standards:

"2116.5 Except as provided in §2117.9, if approved by the Board of Zoning Adjustment, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one (1) family dwelling, in accordance with §§2116.6 through 2116.9. *Section 2117.9 is not applicable because the proposed use is not a single-family dwelling.*

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with §2116.2 for the following reasons:

(a) Unusual topography, grades, shape, size, or dimensions of the lot;
(b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
(c) Traffic hazards caused by unusual street grades; or
(d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties. The property is completely developed with no room for the addition of parking spaces.

2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred. *The single parking space will be located on property immediately adjacent to the site.*

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures which they are designed to serve. *The proposed parking location meets this standard.*

2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose the other conditions as it shall deem necessary to assure the continued provision and maintenance of the spaces." *Staff recommends a condition reserving this parking space for the duration of the Special Exception for the Child Development Center at 1219 44th Street, N.E.*

Based on this review, this application, as conditioned, meets the applicable standards of Section 2116.

Compliance with Section 3104.1
Based on the compliance with the referenced sections, OP staff determined that granting these Special Exceptions, as conditioned, would 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".

COMPREHENSIVE PLAN
The Generalized Land Use Map designates the subject property and the general area as Low Density Residential, characterized by single-family detached and semi-detached housing, as the predominant uses.

The Economic Development Element of the Comprehensive Plan includes the following major goal:

"200.14 Affordable, quality child care is an essential precondition for parents with children under the age of fifteen (15) to enable them to work, seek employment, complete school, and participate in job training programs."

The Human Services Element includes this major policy:

"1000.1 The availability of health and social services is critical to the District community. A wide range of services that are indispensable must be delivered not only to the most desperate and destitute, but to anyone in need of human services. These services include the following: ...

(d) Care of the mentally ill, mentally retarded, the handicapped, children (ages 0-13), youth (ages 14-21), and the elderly; ...
(g) Child care services; ..."

Policies for income maintenance and economic self-support services also include the following:

"1005.2 The policies established in support of the income maintenance and economic self-support services objectives are as follows: ...

(e) Provide permanent residential settings, day-care services, and after-school programs and provide family and health counseling, nutrition services, and employment training with income assistance programs for indigent parents; ..."

COMMUNITY COMMENTS
This proposal was forwarded to Advisory Neighborhood Commission (ANC) 7D. To date, no comments have been received. However, it has been recommended for approval by the Eastland Gardens Civic Association, Inc., in a letter dated March 25, 2002, and by other residents in a petition dated March 26, 2002 (refer to Exhibits 6 & 7) including Rev. Cunningham.

AGENCY COMMENTS
This application was referred to the District of Columbia Metropolitan Police Department, Fire Department, Departments of Health, Consumer & Regulatory Affairs and Public Works.

Approvals by the Fire Protection Division of DCRA, Fire Department, and Department of Health Licensing Regulation Administration are attached in Exhibits 3, 4 & 5. No other agency comments have been received.

RECOMMENDATION
The Office of Planning makes the following recommendations:

- Approval of a Special Exception to allow a Child Development Center use at 1219 44th Street, N.E., subject to the following conditions:
  1. A Certificate of Occupancy for the proposed Child Development Center must be approved within 30 days after the date of the Final Order;
  2. The use is approved for three years from the date of the Final Order;
  3. The licensed number of children shall not exceed 29;
  4. The number of teachers and support staff shall not exceed 5;
  5. Normal hours and days of operation shall be from 6:00 A.M. to 6:00 P.M., Monday through Friday, however the center shall remain open until all the children are picked up; and
  6. The applicant shall comply with all applicable code requirements for the licensing of childcare facilities as contained in 29 DCMR.

- Approval of a Special Exception to allow the one parking space required for the proposed use to be located on the adjacent property at 1234 Kenilworth Avenue, N.E., subject to the following conditions:

  1. One parking space shall be reserved on this property on weekdays, between 6:00 A.M. and 6:00 P.M. for the proposed Child Development Center; and
  2. This approval shall remain in force for the duration of the companion Special Exception for the Child Development Center.

Attachments:

Exhibit 1 Aerial with Zoning
Exhibit 2 Letter dated March 18, 2002, from Toye Bello, Acting Zoning Administrator, to John W. Burns, Zion Baptist Church
Exhibit 3 D.C. Department of Consumer & Regulatory Affairs, Building and Land Regulation Administration, Fire Protection Division, Permit Work Occupancy Approval Form dated June 7, 2002
Exhibit 4 Memorandum dated June 12, 2002, from Bruce Cowan, Fire Marshall, to Andrew Altman, Director, Office of Planning
Exhibit 5 D.C. Department of Health, Licensing Regulation Administration, Child Development Center Pre-Inspection Survey form dated May 28, 2002
Exhibit 6 Letter dated March 25, 2002, from the Eastland Gardens Civic Association, Inc.
Exhibit 7 Petition from Eastland Gardens residents dated March 26, 2002
Exhibit 8 Pertinent Excerpts from the Zoning Regulations

AA/afj

Exhibit 1

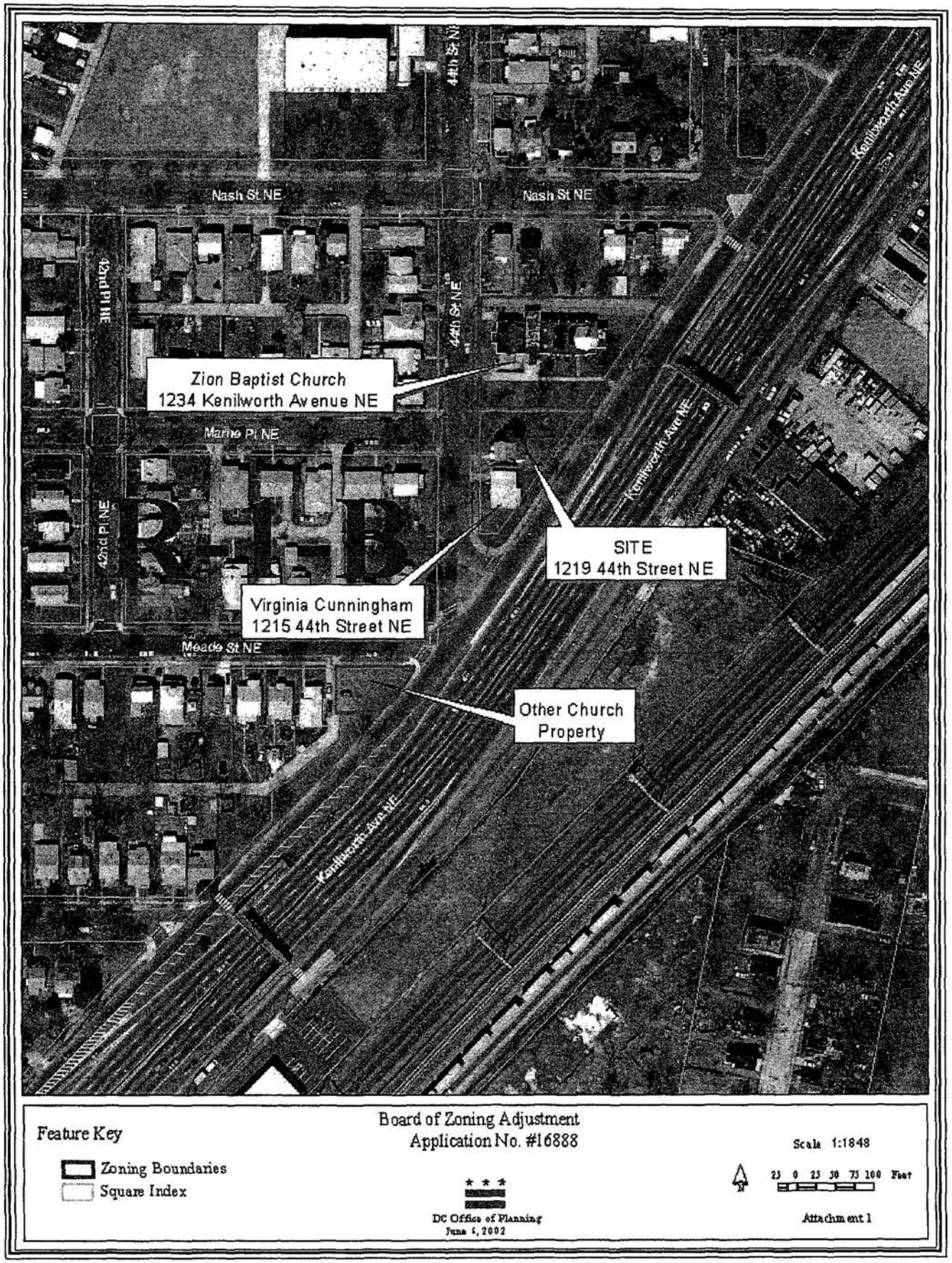

Nash St NE
Nash St NE
42nd Pl NE
42nd Pl NE
44th St NE
44th St NE
Kenilworth Ave NE
Kenilworth Ave NE
Zion Baptist Church
1234 Kenilworth Avenue NE
Marne Pl NE
SITE
1219 44th Street NE
Virginia Cunningham
1215 44th Street NE
Meade St NE
Other Church
Property
Kenilworth Ave NE
R-1-B
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. #16888
DC Office of Planning
June 4, 2002
Scale 1:1848
25 0 25 50 75 100 Feet
Attachment 1

Exhibit 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

March 18, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 APR -5 AM 11: 47

John W. Burns
Zion Baptist Church
1234 Kenilworth Avenue, N.E.
Washington, D.C. 20019

Re: 1219 44th Street, N.E.
Square: 5121 Lot(s): 806
(First and Second Floors)
Zoned: R-1-B

Dear Mr. Burns:

Your certificate of occupancy application #21214 filed to use the subject premises as a "Learning Center and After Care Summer Camp with 45 children – 6 – 12 years old and 5 staff" is disapproved due to the need for Board of Zoning Adjustment approval.

You will be required to obtain a special exception under the provisions of DCMR Title 11, Section 205.1 to establish your use in the R-1-B Zone.

The Board of Zoning Adjustment has authority to grant special exception under provisions of DCMR Title 11, Section 3108.1.

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when filing for the hearing. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Toye Bello, Acting
Zoning Administrator

TB/ee

OF THE DISTRICT OF COLUMBIA

Exhibit 3

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
FIRE PROTECTION DIVISION

PERMIT WORK OCCUPANCY APPROVAL FORM

Permit Work X Occupancy X Core Approval Form ___

Permit Address: 1219 44th NE DC Job #_____

Intended Use of Structure: SFD Child Care Home

Floors:_____ Bsmt.:_____

Check One: (Approved) Denied 6/7/02

N/A Sprinklers:

___Hydrostatic Test (All systems) – Number of Heads N/A
___Approved ___Not Approved - for Concealment
___Dry Pipe Valve Trip Test – Time for water to reach inspectors test: N/A seconds
___Pre-action System Test (Deluge Valve)
___Flush Test

N/A Fire Alarm:

___New System – Indicate Devices Below
___Existing System (Modifications) – Indicate Devices Below

___Strobes – No. N/A
___Bells/Speakers/Horns – No. /
___Smoke Detectors – No. /
___Heat Detectors – No. /

___Pull Stations – No. /
___Flow Switch – No. /
___Tamper Switch – No. /
___Duct Smoke Det– No. /

N/A Hood and Duct Fire Suppression System:

N/A Fire Pump:

___Electric
___Diesel

Manufacturer: N/A
Pump Specs (Head and Flow Rate):_____ psi @_____ gpm

Comments:_____

Fire Inspector's Signature: [signature] Date of Test or Inspection: 6/7/02
Tel: (202) 442-4460 ___Contingency – Due Date: ___

Exhibit 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001

MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Bruce Cowan BC
Fire Marshal

DATE: June 12, 2002

SUBJECT: BZA Application No. 16888

The D.C. Fire and EMS Department has reviewed the above BZA Application.

This request is approved, provided applicant meets the requirements of the D.C. Building Code for the proposed use group (child development center).

If you have any questions regarding this review, please contact Lieutenant William F. Guffey of my staff at 727-1614.

Exhibit 5

HSFD 008 Rev. 6/99

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
LICENSING REGULATION ADMINISTRATION

HUMAN SERVICES
FACILITY DIVISION

PHONE: 202-442-5929
FAX :202-442-9430

MAILING ADDRESS:
825 North Capitol Street, NE
Second Floor
Washington, D. C. 20002

CHILD DEVELOPMENT FACILITY PRE-INSPECTION SURVEY

1. Name of Applicant: John W. Burns	Social Security Number: 242-48-2259
2. Proposed Name of Facility:	Collin's B & A Care Center
3. Facility Address (including Zip Code and Ward):	1219 44th St., NE 20019
4. Projected Opening Date:	ASAP
5. Program Space Total Square Footage:	1108 29 Children (Attached A Schematic Drawing)
6. Bathroom Facilities for Children:	2 Toilets ____ Urinals 2 Sinks
7. Bathroom Facilities for Staff:	1 Toilets ____ Urinals 1 Sinks
8. Total Number of Children (Specify the number for each category)	0 Infants (< 2 year-old) 0 Preschoolers (ages 2-5 years) 29 School-Age Children (6-15 year-old)
9. Food Service:	☐ Catered ☒ Brown Bag ☐ Prepared by Facility Food
10. Kitchen:	☒ Sink ☐ Dishwasher ☒ Plumbing ☒ Oven/Stove ☐ Microwave Oven ☒ Refrigerator
11. Lighting/Ventilation:	Needs Adequate light
12. Outdoor Play Area:	Location: Zion Baptist Church CDC Square Footage: Surface: Equipment:
13. Number and Locations of Exits:	Indicate floor - e.g. First floor front/back Front / back
14. Exterior Condition:	Stairs, handrails, walkways, etc. free from cracks, debris, etc. Adequate
15. Other:	

Pushpa Agarwal / Mitchell
Signature of HSFD Licensing Specialist

Date: 5/28/02

John W. Burns
Signature of Applicant

Date: 5/28/02

See Statement of Deficiencies and Plan of Correction Form(s) for additional corrective actions required

Exhibit 6

EASTLAND GARDENS
CIVIC ASSOCIATION INCORPORATED
4020 Lee Street, N.E.
Washington, D.C. 20019
(202) 723-4602

March 25, 2002

sident
Dalton Howard

Vice President
Jon Butler

Vice President
Geraldine Bell

cording Secretary
Beverly Butler

rresponding Secretary
Toni Milliner

nancial Secretary
Raymond Longshore

reasurer
Erman T. Clay, Sr.

rgeant-at-Arms
Marie Joyner

arliamentarian
Tawanna Cooper

rchivist
Geraldyne Jackson

haplain
Pervis Smith

mmediate Past President
Erman T. Clay, Sr.

Council of Presidents
Erman T. Clay, Sr.
Herman B. Greene
Justina Kinder
Frank Hill
Rhuedine Davis
Thomas W. Johnson

RE: Letter of Support

To Whom It May Concern:

The Zion Baptist Church of Eastland Gardens has served many adults and youth in our community. Their summer camp and Vacation Bible School have been outstanding. Our Civic Association has gone on record in full support of the Church's summer programs. Please grant them any appropriate license so that they may be allowed to continue their good work.

Thank you in advance.

Sincerely,

Dalton Howard

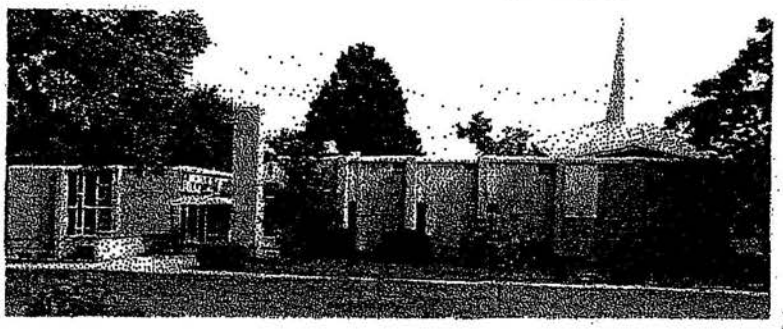
Dalton Howard
President

Exhibit 7

Zion Baptist Church of Eastland Gardens

1234 Kenilworth Avenue NE Washington D.C. 20019
202-399-3471
Rev. Harold Brooks, Pastor

Board of Deacons
John Burns, Chair
Smith Banks Sr., Vice Chair
Alvin Stewart, Secretary
James Butler
James Dixon
Vaughn Fuller
Joseph Gaskins
Charles Griffin
G. Michael Humes



Board of Trustees
Audrey Dempsey, Chair
Ann Jefferson, Secretary
Charles Fountain
Joseph Brown
William Fuller Sr.
Constance Hatch
Dalton Howard

Denesa Jerman, Church Clerk

March 26, 2002

Eastland Gardens Commissioner
Washington D.C. 20019

To Whom It May Concern;

I am a resident of Eastland Gardens feel that a Daycare Learning Facility based at 1219 44th Street would be an asset to the community, and would also be beneficial to the parents and children of this community. As a resident of Eastland Gardens, I am in favor of having the Daycare Learning Center established at the said location in Eastland Gardens.

Marion Jackson
Rayie V. Fowler
Lawana Gilley-Cooper
Larry Cooper
Andrea P. Gordon
T. Z.
Willie A. Brown
Minnie F. Beane

Carol Hood-Mann
Jeffrey S. Mann
Doris E. Bernard
Geneé M. Thornton
Charlita McMillan
Evelyn B. Gordon
Dempsey Glass
Vanessa L. Fox

Rev. Harold N. Brooks

Rev. Harold N. Brooks, Pastor ZBCEG

Deacon John W. Burns, Daycare Coordinator

dsj/file

I support Zion Baptist Church of Eastland Gardens in opening a Summer Camp Learning Center at 1219 44th Street, N.E., Washington, D.C.

NAME	ADDRESS
1. Rev Dale B Cunningham	1215 - 44th St NE
2.	
3.	
4.	
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7.	
8.	
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10.	
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12.	
13.	
14.	
15.	
16.	
17.	

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

Child/elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (G) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per clay. This definition encompasses facilities generally known as child care centers, day care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training and health and social services of the parents or principal guardians of children attending the center.

205 CHILD/ELDERLY DEVELOPMENT CENTERS (R-l)

205.1 Use as a child/elderly development center shall be permitted in an R-l District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

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

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

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

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

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.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in 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 effect of these facilities will not have an

adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

205.9 Before taking final action on an application for use as a child development center and/or elderly day care center, the Board shall submit the application to the D.C. Departments of Public Works and Health, the D.C. Office on Aging and the D.C. Office of Planning, for review and written reports.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District.

2116 LOCATION OF PARKING SPACES

2116.1 Except as provided in §§213, 510, 708, 730, 743.2(d), 753.1(c), 803.1, 2116.5 and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

2116.2 Parking spaces shall be located in one (1) of the following ways:

(a) Within a permitted garage or carport, subject to the special provisions of chapter 23; or

(b) On an open area of the lot as follows:

(1) Within a rear yard;

(2) Within a side yard; or

(3) Except in an SP District, elsewhere on the lot if accessory to a commercial or industrial use.

2116.3 For a church, up to fifty percent (50%) of the number of parking spaces may be located elsewhere. The spaces shall be located within four hundred feet (400 ft.) of the church in a public or private parking lot or garage where the required number of spaces are made available for the use of the church through a binding agreement with the owners of the parking facility. However, at least three (3) parking spaces shall be provided on the lot where the church is located.

2116.4 Required parking spaces shall not be located in the area between a building line and lot line abutting a street.

2116.5 Except as provided in §2117.9, if approved by the Board of Zoning Adjustment, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one (1) family dwelling, in accordance with §§2116.6 through 2116.9.

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with §2116.2 for the following reasons:

(a) Unusual topography, grades, shape, size, or dimensions of the lot;
(b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
(c) Traffic hazards caused by unusual street grades; or
(d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures which they are designed to serve.

2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose the other conditions, as it shall deem necessary to assure the continued provision and maintenance of the spaces.