GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

RECEIVED
D.C. OFFICE OF ZONING
2005 JAN -4 PM 4:53

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** JLS for Andrew Altman

**DATE:** January 11, 2005

**SUBJECT:** BZA Application No. 17269 - Special Exception Request (The Evangelical Arabic Baptist Church) 4605 Massachusetts Avenue, N.W., Square 1556 Lot 62.

**APPLICATION**

This application filed by The Evangelical Arabic Baptist Church requests a special exception pursuant to 11 DCMR 3104.1 and Section 205, to establish a child development center for 25 children ages 2-1/2 to 5 years, and four staff members in the R-1-B District.

**RECOMMENDATION IN BRIEF**

1. The Office of Planning recommends **Approval** of the special exception application.

**SITE AND AREA DESCRIPTION**

The subject property is in the American University Park Neighborhood of Ward 3, located at 4605 Massachusetts Avenue, N.W. The site is on the north side of the block, near the intersection with Upton Street. American University, which is one block to the south- west of the site, is a dominant land use in the community. The Naval Security Station, which is approximately three blocks to the east, across Nebraska Avenue, is also a major land use. Friendship "Turtle" Park is approximately one-block to the east, and the nearest commercial is to the north, at Massachusetts Avenue and 49th Street.

North of the subject property is a public alley sixteen feet wide. The paved area on the subject lot abutting the alley is a park lot with six spaces. Properties on the east and west

BZA
Case No. 17269
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17269
EXHIBIT NO. 29

sides of the subject property are developed with the Fifth Church of Christian Science, and two-story masonry single-family dwellings, respectively. It should be noted that the front facades and porches of these dwellings are much closer to Massachusetts Avenue, N.W., than the church facade.

**POPOSAL**

The applicant proposes to establish a child development center for 25 children, ages 2-1/2 to 5years of age, and four staff/faculty, on the lower floor of the subject dwelling. The center would operate Monday through Friday between 8:00 a.m. and 1:30 p.m. The applicant proposes to use the public alley at the rear of the structure for auto access to the center. Children being dropped-off and picked-up at the center will be assisted by center staff.

**ZONING REQUIREMENTS**

The subject site is in the R-1-B District. Child development centers are permitted by special exception in the R-1 District, if they can meet the requirements in Section 205 of the Zoning Regulations. Special exception uses are uses considered compatible with the underlining uses in a particular zone district, but which must be reviewed by the Board of Zoning Adjustment to ensure that negative impacts do not occur.

**HISTORY OF PROPERTY**

In 1967, the subject property was under development as a two-story detached residential structure with a basement. As the foundation was being put down, the current applicant purchased the property and instead, converted the construction into the Evangelical Baptist Mission building that is currently on the property. The lot is irregularly shaped and has an area of approximately 5,608 square feet. The building contains a total floor area of 3,564 square feet (excluding the basement). The building has been in continuous use as a church since the Certificate of Occupancy was issued in 1967.

The property is sixty feet wide from the rear property line and alley, south (toward the front) for a distance of approximately 73'. At this point, the eastern property boundary continues south at an angle, gradually narrowing the lot width to approximately 34' along the front property line and Massachusetts Avenue, N.W.

In 1977, the Board held a hearing to consider BZA Application No. 12291 of Evangelical Baptist Missions, pursuant to Sub-section 8207.11 of the Zoning Regulations for an area variance from the side yard requirements (3305.1), to erect an addition, and awning, to an existing church in the R-1-B District at 4605 Massachusetts Avenue, N.W. (Lot 62, Square 1556). The Board approved the application on January 25,1977. (Order NO. 12291)

In January of 2001, the Board held a hearing to consider BZA Application No. 16644 submitted by Arabic Baptist Church, pursuant to 11 DCMR §3103.2, for a variance from Section 405 from the side yard requirements to build an addition to an existing structure

in the R-1-B District at premise 4605 Massachusetts Avenue, N.W. (Square 1556, Lot 62). The Board approved the application on January 2, 2001. (Order No. 16644)

**ANALYSIS**

The subject church in which the child development center will be located is in the R-1-B District, a district that is designed to protect quite residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed with similar uses. Child development centers are permitted in the R-1 District by special exception, if it meet the requirements in Section 205 of the Zoning Regulations.

**205 Child/Elderly Development Centers**

**205.1 Use as a child/elderly development center shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.**

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

The center will also be capable of being licensed by DCRA. It will be capable of meeting all licensing requirements of the Department of Health, Health Regulation Administration, Child and Residential Care Facilities Division (DOH/HRA/C&RCFD). DOH has already forwarded a memorandum to the Office of Zoning, recommending the subject application is granted. The facility will further comply with the BOCA Code and it will be ADA compliant.

**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 applicant proposes that parents use the alley at the rear of the church to pickup and drop-off children. Based on concerns raised at the December ANC 3E meeting, the applicant dropped that position, in favor of having parents stop on Massachusetts Avenue in front of the facility for drop-off and pick-up. It is the applicant's position that the southbound side of Massachusetts Avenue is heavily trafficked during the morning drop-off, but the northbound side, (where the center will be located) does not carry a high volume of traffic until the evening rush hours, which starts after the center closes. OP referred this matter to the District Division of Transportation.

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

Section 2101.1 of the Zoning Regulations requires that a child/elderly development center provide 1 parking space for each 4 teachers and other employees. The proposed child development center will have 4 employees. There are 6 on-site parking spaces on

the subject lot, located in the rear of the church. Three of the parking spaces will be designated exclusively for use by center staff and visitors, from Monday through Friday between the hours of 8:00 a.m. and 1:30 p.m.

**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.**

The applicant proposes to use the existing Friendship "Turtle" Park as the recreation site for children attending the center. Children, under the supervision of staff will walk to the park, which is less than two blocks from the center.

**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.**

OP does not believe the Board should require special treatment on the child development center because the property is already developed with the host church. There is adequate treatment on the property to protect adjacent and nearby properties from impacts from the proposed child development center. The center will be located on the lower level of the church. The site benefits from landscaping provided when the church was constructed in 1977. There are mature trees in the front and rear of the property, as well as on the eastern side. Additionally, there is a 16-foot alley adjacent to the rear property line that serves to separate the subject structure from the rear of dwellings to the south, which fronts on Tilden Street.

**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.**

Center staff selected Friendship "Turtle" Park playground, which is approximately one block to the east, as the off-site play area. The park is accessible without crossing Massachusetts Avenue or any other major arterial. Therefore, the safety of children walking between the center and the play area will be enhanced.

**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.**

Accordance to DOH Health Regulation Administration, Child and Residential Care Facilities Division there is no other child development center on the same square or within 1,000 feet of the subject property.

**COMPREHENSIVE PLAN**

The Comprehensive Plan Generalized Land Use Map depicts the subject area in the Low Density Residential Land Use Category. Single-family attached and detached housing are the predominant use.

**Policies in support of Public Action Objective:**

**Section 209.2 (k) Facilitate the establishment of new and the expansion of existing child-care facilities in residential, commercial, and mixed use areas.**

**Policies in Support of Residential Neighborhoods Objective:**

**Section 1104.1 (k): Control the external negative impact of new non-residential uses that are permitted in residential areas to provide sufficient parking, loading areas, pick-up and drop-off access consistent with the activity level of the non-residential uses. With respect to permitted non-residential uses, including schools, hospitals, churches, and clinics, this policy is designated to reduce the possible adverse impact of the non-residential uses on residential areas.**

It should be noted that the Comprehensive Plan recommends that permitted institutions uses should mitigate negative impacts they may have on residential uses, but does not prohibit schools in low density residential areas.

**DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST**

**Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Map?**

**Yes.** The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Child development centers are permitted by special exception in the R-1 District, if they can meet the requirements in Section 205 of the Zoning Regulations. Special exception uses are uses considered compatible with the underlining uses in a particular zone district, but which the Board must review. This application is consistent with the standards of Section 205 of the Zoning Regulations. Further, Comprehensive Plan polices support the establishment of new childcare centers in residential areas.

**Will the special exception tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map?**

**No.** The special exception will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The predominant land use in the subject area is single-family detached dwellings, and the Comprehensive Plan encouraged child development centers are in residential areas In addition, the proposed center has the support of many of the property owners on Square 1556 and the surrounding area.

## COMMUNITY COMMENTS

ANC 3E on September 3, 2004, voted to support BZA application 17269.

### District Division of Transportation (DDOT)

DDOT had no objection to the application, citing: "The proposed continuation of the subject site as a child development center will not have negative impact on parking supply in the immediate community, or create dangerous or objectionable traffic conditions.

## OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by the Evangelical Arabic Baptist Church, requesting a special exception to permit a child development center, with up to 25 students in a R-1-B 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.




South view of church site




**BZA Application - 17269**
**Child development Center**
**4605 Massachusetts Avenue, N.W**

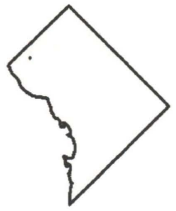
N

Feet
0 25 50

**Government of the District of Columbia**
**Anthony A. Williams, Mayor**

**Office of Planning ~ December 7, 2004**

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.
Oblique Imagery ©2003 Pictometry International



**Attachment 3**