

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14377, of Union Temple Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Paragraph 3101.41 to use the first floor and basement of the subject premises for a child development center for forty-eight children, ages two to twelve years, and five staff in an R-3 District at premises 2002 - 14th Street, S.E., (Square 5775, Lot 820).

HEARING DATE: February 12, 1986
DECISION DATE: March 5, 1986

FINDINGS OF FACT:

1. The site known as premises 2002 - 14th Street, S.E., is located at the southeast corner of the intersection of 14th and U Streets. It is in an R-3 District.
2. The site is rectangular in shape and developed with a large three-story brick church building. The site consists of 4,680 square feet of land area. The east side yard of the church is approximately 20 feet wide, and planted with grass.
3. To the north of the site is U Street which dead-ends at the rear of the subject church property, followed by a large parking lot serving the Warehouse Super Market in the C-2-A District. To the east, the site abuts a 16 foot wide public alley. The alley, though navigable by car, is unpaved. Beyond the alley there is a chain link fence separating the site from the playing field of Ketcham Elementary School in the R-3 District. To the south, the site abuts a single-family dwelling in the R-3 District. The remainder of the square consists of single-family dwellings, Ketcham School and a variety of commercial uses fronting on Good Hope Road. To the west is Fourteenth Street, which is bisected by Martin, Malcolm, Marcus Park. The park is followed by St. Philip Episcopal Church in the R-3 District.
4. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 3101.41 to use the first floor and basement of the premises for a child development center.
5. Paragraph 3101.41 allows a child development center to be operated in an R-3 zone provided that:

- a. the center shall be capable of meeting all applicable code and licensing requirements.
- b. the center shall be so located and designed as to create no objectionable traffic condition and no unsafe condition for picking-up and dropping-off children.
- c. the center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors.
- d. the center, including any outdoor play space provided, is so located and designed that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such 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.
- e. 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 such play area and the center itself.
- f. the Board may approve more than one child development center in a square or within 1,000 feet of another child 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.
- g. before taking final action on an application for such use, the Board shall submit the application to the D.C. Department of Human Services, D.C. Department of Public Works and the D.C. Office of Planning for review and written reports. 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 of Columbia.

6. The proposed center will have an enrollment of 48 students, ages two to twelve years.

7. The five staff who will work at the proposed center consist of an Administrator, Assistant Administrator, a teacher and two teacher aides.

8. The proposed center's hours of operation will be from 7:00 A.M. to 6:00 P.M. Monday through Friday.

9. The basic locale for classes and for the serving of lunch, etc. will be the Chester Smallwood Fellowship Hall which is a large multi-purpose room which seats up to 250 people.

10. The Church has a large kitchen and essential food preparation equipment. The Office of Management Services, D.C. Government Food Services Branch conducts an annual inspection of the facility. The UTBC Food Facility unit meets all the regulations and requirements to administer food.

11. The program of the proposed center will be modeled on the Howard University Child Care Facility. It will emphasize academic and behavioral goals focusing on the development of self-esteem, self-discipline and self reliance.

12. A memorandum from the Department of Consumer and Regulatory Affairs Service Facility Regulation Administration reported that when all the deficiencies have been corrected the proposed facility can meet all licensing requirements set forth in the Child Development Facilities Regulation 74-34 and D.C. Law 2-98.

13. The picking-up and dropping-off of children will occur on the U Street side of the church which has unrestricted curb parking. Since U Street is a dead-end cars will exit back onto 14th Street by the adjacent parking lot. Children will be escorted to the Center's U Street entrance to and from the cars.

14. The applicant is required to provide one parking space for the five staff persons proposed to operate the center. There is room in the side yard of the Church to provide the required parking space on-site. The side yard area is presently grassed and accessible by car by an unimproved public alley to the rear of the site. The applicant would prefer not to use the side yard for parking as it abuts the side yard and building wall of a residentially occupied row dwelling. Further, the cost of providing the side yard and the alley for one space would be relatively high.

15. As an alternative to parking on-site, the applicant has received permission from the neighboring grocery store, 30 feet away, to use five parking spaces to accommodate the

parking needs of the center staff. A letter from the Anacostia Warehouse Supermarket, dated January 27, 1986, is in the record. The center space will not conflict with the peak shopping hours (parking space demands) of the grocery customers.

16. Outdoor play is expected to be conducted on the playing field of Ketcham Elementary school. The center abuts the playing field on its east. The other center activities will be conducted on the interior of the church building which is constructed of masonry and should act to preclude any visual, noise or other objectionable conditions resulting from the center's operation.

17. The Ketcham Elementary School playing field is located directly behind the center. The playing field is fenced in and its access by the center participants is not expected to be dangerous. The center must secure permission from the Board of Education to use the school property as proposed. The principal of Ketcham School submitted a letter to the record supporting the center's use of the school playground.

18. The St. Philip Episcopal Church at the southwest corner of 14th and U Streets, across from the subject site conducts a Capital Head Start Program which is government subsidized.

19. By memorandum dated December 9, 1985, the Department of Public Works (DPW) reported as to the transportation system surrounding the subject site: 14th Street is a 92 foot wide collector street with a 44 foot median. Parking is unrestricted on this street; U Street is a 30 foot wide deadend local street with unrestricted parking; within a one block radius of the site, the V5, 91 and 92 Metrobus routes run on Good Hope Road and the V9 and 94 routes run on 13th Street.

20. Department of Public Works further reported that it would be impractical for the church to provide the required parking space since access to the space would be difficult since the alley is unimproved. However, to minimize any adverse transportation impacts of the center, DPW recommended that the applicant institute a policy in which center teachers and/or teacher's aides assist in the discharge and pick-up of children. Parents could turn off 14th Street onto U Street where assigned supervisory adults should be stationed at the U Street entrance of the Church to escort children to and from waiting vehicles. Parents would pull in to the parking lane on U Street, allowing the children to exit the vehicle with the aid of center adult personnel. Parents could then turn into a parking lot located across U Street from the Church and exit back onto 14th Street. The same procedure would be followed in

reverse order when parents arrive to pickup their children. Implementing this policy will diminish the need for center traffic to park or double park on the surrounding local streets and thereby adversely impact the local street system.

The Church previously used the proposed building for the center as a Fellowship Hall. The DPW saw little conflict between the center's operation and any fellowship activities.

The DPW concluded that the center's operation will have minimal impact on the local transportation system. The Board concurs with the reasoning and recommendation of the DPW.

21. By memorandum dated February 5, 1986, the Office of Planning (OP) recommended the conditional approval of the subject application. The OP reported that the proposed Child Development Center can operate at the subject location without creating any objectionable effects on neighboring properties or the street system. OP was of the opinion that the center would provide a needed service to the community and recommended approval of this application subject to the following condition. The application shall submit to the Board a letter of agreement from the Board of Education indicating the Center's permission to use the Ketcham Elementary School property for its outdoor play activities. The Board concurs with the report and recommendation of the OP.

22. By letter dated February 3, 1986, Advisory Neighborhood Commission (ANC) 6C reported that it voted not to support the subject application. The ANC considered the following concerns expressed by the community:

- a. Union Temple Baptist Church has other programs (providing meals and alcohol abuse treatment) designed for adults, mostly men. These programs attract a large number of men some of whom tend to loiter in the vicinity of the church. Will there be a conflict between the child development center and the program for adults, mostly socially maladjusted men, many with serious problems?
- b. The church is located near a grocery store, the Warehouse Supermarket. A large number of men tend to loiter around the parking area sitting on a wall. Will the presence of these men have an adverse affect on the environment of the children?
- c. The ground space around the church is limited. What provisions will be made for a play area?

- d. With the limited ground space, what provisions will be made for staff parking and for picking-up and discharging children?
- e. Several community residents also expressed the need to see the plan, or other guidelines the church plans to use in establishing and operating the child development center.

23. Advisory Neighborhood Commission further reported that it is aware of the need for good child care. The ANC is also aware of the role of the church in providing this care. However, because of the concerns expressed by the community, and the limited information provided at the time of the ANC meeting, the commission voted not to support the application. The Board finds that the feeding program for the needy will be eliminated from the activities conducted by the church at the subject site so there will be no conflict between the proposed center and the other program. An elementary school is adjacent to the grocery store and many children who will attend the center live in the area so children are already in the area. In Finding Nos. 16 and 15 above, the applicant addressed the play area and parking issues respectively.

24. By letter dated January 28, 1986, H.R. Crawford, D.C. Councilman expressed his support for the subject application. He stated that the need for day care centers is extremely critical in that part of the city. In order to minimize the welfare rolls for female heads of households, they must avail themselves to day care facilities in their immediate community. Union Temple is also supported by the residents of that community as evidenced by the 300 signatures with their petition.

25. The ANC Commissioner for Single Member District 611C submitted a letter to the record in support of the subject application on the grounds that there is a vital need for childcare facilities in the district and especially in Southeast where a great number of women with young children work outside the home. Union Temple has given laudable service in its many outreach programs and this childcare center will be an extension of their great work in Anacostia.

26. The ANC Commissioner for Single Member District 6C06 testified that he had concerns for the safety of the children attending the proposed center as drug use, fighting and men loitering are prevalent in the area. The Board finds that the children will be supervised while attending the center. The presence of negative elements in the neighborhood does not preclude the need or desirability of a child care center.

27. A resident of ANC 6C07 and member of Union Temple Baptist Church submitted to the record a letter and petition containing 403 signatures of both individuals and businesses in support of the subject application based on the applicant's many contributions to the spiritual, physical and social needs of the community.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires that the proposal meet the requirements of Paragraph 3101.41 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The proposed use, as conditioned below in this grant of the application, is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions.

The Board further concludes that it has given the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to the applicant, Union Temple Baptist Church.
2. Approval shall be for a period of THREE YEARS.
3. The Certificate of Occupancy shall not be issued until the applicant can demonstrate that the facility's use of the play area at Ketcham Elementary School has been approved by the D.C. Public Schools.
4. The hours of operation shall not exceed from 6:00 A.M. to 6:30 P.M.
5. The number of students shall not exceed forty-eight. The number of staff shall not exceed five.
6. Three parking spaces shall be provided for the exclusive use of the subject facility at the Anacostia Warehouse Market.
7. Pick-up and delivery of children shall be in compliance with the recommendation of the

Department of Public Works as set forth in its report marked as Exhibit No. 17 of the record.

VOTE: 3-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; Maybelle T. Bennett and William F. McIntosh not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: ~~JUL~~ 8 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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