

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14594, of James A. Hickey, Archbishop, Catholic Diocese of Washington, pursuant to Sub-section 8207.2 (11 DCMR 3108) of the Zoning Regulations, for special exception to continue to use premises as a community center building (Paragraph 3101.45, 11 DCMR 209) in an R-5-A District at premises 1600 Morris Road, S.E., (Square 5817, Lot 803).

HEARING DATE: June 10, 1987
DECISION DATE: July 1, 1987

FINDINGS OF FACT:

1. The subject property is located on the north side of Morris Road at its intersection with 16th Street and is known as premises 1600 Morris Road, S.E. It is zoned R-5-A.

2. The property contains approximately sixteen acres of land and is currently improved with buildings housing a church, church school, rectory, and community center. A large 275-car parking lot serves the community center and the school.

3. The property is situated on a high bluff which offers views of the Anacostia River and Downtown. The Lucy E. Moten Elementary School is located opposite the site across Morris Road. The newly-opened Anacostia Neighborhood Museum is located two blocks north of the site. The community center building is separated by a considerable distance from the nearest residential dwelling.

4. The applicant is requesting permission to continue to operate a community center at the subject site. The existing community center was established pursuant to BZA Order No. 10409, dated July 29, 1969, for a period of three years. The center has operated continually since that time. The last certificate of occupancy was issued on March 25, 1987.

5. The community center is operated by Our Lady of Perpetual Help Church and School. The community center is operated as a non-profit community service which hosts events for the residents of the community ranging from bingo games, wedding receptions, luncheons, youth dances, adult cabarets and community gatherings. Rental fees received for the use of the facility are applied to the costs of maintaining the facility.

6. No articles of commerce are offered for sale at the center except that refreshments are offered for sale during some events.

7. The considerable distance between the center and the nearest residential dwellings will minimize the impact of noise from activities taking place within the community center building.

8. The proposed capacity for the center will be 960 persons standing, 430 persons seated. The Zoning Regulations require one parking space for every ten seats or 43 parking spaces. The existing parking lot has a capacity of 275 parking spaces, far in excess of the number of spaces required.

9. By letter received June 10, 1987, and through a representative at the public hearing, the adjacent Advisory Neighborhood Commission (ANC) 8A, opposed the continuance of the community center. ANC 8A contended that the use of the facility for bingo games, cabarets and similar activities does not constitute a community center. ANC 8A further noted that patrons of cabarets and similar activities at the site disturb the peace, litter the area with beer cans and empty bottles, deface property by parking on private lawns, trespass by parking in private driveways, play loud music, and use profanity at 3 or 4 A.M.

10. By letter dated May 28, 1987, the affected Advisory Neighborhood Commission (ANC) 6C indicated that it had no opposition to the continued use of the premises as a community center building. ANC 6C did not set forth specific issues and concerns related to zoning standards, as required by 11 DCMR 3307.1.

11. The Office of Planning, by memorandum dated June 3, 1987, recommended conditional approval of the application. OP was informed by the Metropolitan Police Department (MPD) that there have been disturbances created after dances have concluded by youths congregating in the parking lot and in public space along Morris Road including an incident involving the shooting of four youths near the premises after attendance at such a dance. MPD recommended that the following conditions be imposed if the application is approved:

- a. The Center shall be required to provide adequate security for the monitoring of the grounds and adjacent public spaces during and after all events. This condition is particularly important during youth dances for the orderly dispersal of guests after events.
- b. The Center shall contact the Seventh District Police Station for notification of the starting and ending times of such events.

12. OP was of the opinion that the majority of the Center's activities comply fully with the strict special exception criteria to allow its continued operation. However, the information provided by MPD raised doubts as to the ability of the Center to adequately handle the orderly dispersal of crowds after certain events. OP, therefore, recommended that approval of the application be further conditioned as follows:

- a. The Center shall demonstrate to the Board its ability to chaperone and provide security for 960 standing, 430 seated youth patrons.
- b. The youth dances shall conclude at an hour determined by the Board as necessary to preserve the residential tranquility of the neighborhood not to exceed 12 midnight.

The Board concurs with the recommendation of OP as reflected by the conditions hereinafter imposed.

13. The Board finds that the Center is an established institution in the neighborhood which has a history of hosting events beneficial to the community and providing cultural enhancement to the city. The Board is of the opinion that the facility does fill a vital neighborhood need. The Board notes that the concerns raised by ANC 8A and the report of OP relate to a specific type of event and that the description of the disturbances seems to indicate that many of the incidents occur in the surrounding area after patrons have left the subject site. The Board further notes that the majority of the center's activities comply with the requisite criteria. The Board finds that the occurrences described can be acceptably reduced or eliminated with the imposition of the conditions hereinafter attached to this order.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires the demonstration of substantial compliance with the criteria set forth in Section 209 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The Center is operated by a non-profit organization promoting the welfare of the neighborhood in which it is located. The Center is reasonably necessary and convenient to the neighborhood. There are no articles of

commerce for sale. The Center, as hereinafter conditioned, will be less objectionable due to noise or traffic.

The Board further concludes that, as hereinafter conditioned, the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.
2. Any evening event at which patrons under the age of eighteen years are permitted to enter shall conclude no later than 12 o'clock midnight. The operator shall require that all patrons at the facility shall provide proof of age at the door before admission to any evening event.
3. The operator shall not sub-lease or contract the facility out for youth oriented evening dances or events in excess of once per month.
4. The operator shall notify the Seventh District of the Metropolitan Police Department of all evening events scheduled at the facility. The operator shall provide the police representative with information as to the date and type of event, the number of patrons expected to attend, and the time that the event is scheduled to begin and conclude.
5. The operator shall provide adequate security, both inside and outside the premises, for all evening events. The minimum number of security personnel for events with a capacity of 430 patrons shall be ten. The minimum number of security personnel for events with a capacity of 960 patrons shall be twenty-five. Security personnel shall remain on the site until all patrons have been dispersed from the area.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 28 1987

UNDER 11 DCMR 3103.1, "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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