

ZONING REGULATION

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205 CHILD/ELDERLY DEVELOPMENT CENTERS AND ADULT DAY TREATMENT FACILITIES (R-1)

- 205.1** Use as a child/elderly development or adult day treatment facility 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 provision of this section.
MPCC has demonstrated that it has complied with the requirements of Section 205 and Section 3108 of the Zoning Regulations. This is evident by MPCC completing the process for special exception with a Hearing Date on July 19, 1989 and Decision Date July 28, 1989, with a favorable decision.
- 205.2** The center or facility shall be capable of meeting all applicable code and licensing requirements.
MPCC's original application for special exception to the BZA, its "conclusion of Law and Option states," Based on the evidence and testimony, the BZA concludes that the Applicant has met its burden of proof. The Center will be capable of meeting all codes and licensing requirements".
- 205.3** The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for pick and dropping off persons in attendance.
MPCC is located whereby no objectionable traffic conditions will/has resulted in that any unsafe traffic conditions for the picking up or discharge children will/has occurred.
- 205.4** The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.
MPCC's parking has approximately 33 parking spaces providing sufficient off-street parking to meet the needs of the child development center employees and visitors.
- 205.5** The center or facility, 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, activity, visual, or other objectionable conditions.
MPCC is located in an area so that the child development center, including the outdoor play area, will not/has no objectionable impact on adjacent or nearby property due to noise, activity, visual or any objectionable conditions.

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- 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 deems necessary to protect adjacent and nearby properties. **MPCC blends with the existing structures, and does not create any objectionable impact on nearby property owners. There is sufficient screening and plantings provided so as to protect nearby properties from adverse impact and no further special treatment was required.**
- 205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.
MPCC is surrounded on four sides by public alleys or streets. The playground area is located at the rear of the site, which will ensure that there is no adverse impact on adjacent property owners.
- 205.8 The Board may approve more than (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility 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.
MPCC's location and the cumulative effect of two other facilities in the neighborhood, directly north of MPCC is Garrison Elementary School and to the east of MPCC is the school playground. Directly south of MPCC is the Unity of DC Church formerly the location for Metropolitan Baptist Church.
- 205.9 Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.
MPCC's original application in 1989, proposed Findings of Fact and Conclusions of Law for BZ No. 15117 states, Based on the evidence and testimony, the BZA find that, pursuant to Section 205.9, the application was submitted to the D.C. Department of Public Works, the Department of Human Services, and the Office of Planning for their review and written reports. The Department of Public Works had no objection to the application, although it recommended that angled parking be used. The BZA finds that the existing alley system provides sufficient access for perpendicular parking spaces to be used.

The BZA finds that the Department of Human Services did not file a report, but that the Services Facilities Regulation Administration reported that the construction would meet all applicable codes and regulations. Also, the BZA finds that the Office of Planning submitted a report which supported the special exception request. The Board concurs with the findings and conclusions of the Office of Planning.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia. MPCC's original application in 1989, proposed Findings of Fact and Conclusions of Law for BZA No. 15117 states, "Based on the evidence and testimony, the BZA finds that, pursuant to Section 205.2, the child development center is capable of meeting all applicable code and licensing requirements. By letter submitted to the BZA on June 13, 1989, the Service Facilities Regulation Administration stated that, following its review of architectural plans for the proposed child development center, it meets all application District of Columbia regulations.

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