

June 19, 2012

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ELECTRONIC MAIL

Lloyd Jordan, Chairperson  
D.C. Board of Zoning Adjustment  
Office of Zoning  
441 4<sup>th</sup> Street, NW, Suite 200 South  
WASHINGTON, DC 20001

Re: Case No: 18-348: Post-Hearing Statement for Special Exception and Variance  
Relief for Property Located at 2525 Ontario Road, NW (Square 2565, Lot  
805)("Property")

Dear Chairperson Jordan and Members of the Board:

The BZA held a public hearing on the above-referenced application on May 22, 2012. At the close of the hearing, the Board asked Jubilee JumpStart to meet with its neighbors at the Beverly Court Cooperative to discuss their concerns regarding potential noise generated by the child development center. Jubilee is happy to report that it has since met with residents of Beverly Court on two occasions since the hearing and has negotiated an agreement whereby Jubilee will implement certain practices and procedures in order to minimize the noise generated by the center in exchange for the Beverly Court Cooperative's support for the child development center on a permanent basis.

In the spirit of the Agreement (a complete copy of which is attached), Jubilee proposes that the following be made conditions of approval of its BZA application:

- a. There shall be a maximum of 65 children at the center at any one time, with a maximum enrollment of 150 students.
- b. The maximum number of staff at any one time shall be 21.
- c. The applicant shall maintain the trash area on the grounds of the Ontario House. The trash area shall be walled on three sides and gated on the fourth. The walls and floor shall be concrete and/or masonry with an area drain for ease of cleaning. An on-grade concrete slab shall be provided within the trash area to allow for daily cleaning.
- d. Wood chips or a soft permeable surface shall be provided in the play area, as depicted in the landscape plan.
- e. A wooden fence topped with a trellis shall be maintained along the

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18348

EXHIBIT NO. 40

- eastern property to contain noise from and reduce visibility of the outdoor play area.
- f. The Applicant shall provide dense plantings along the fence on the eastern lot line, which is shared between Jubilee and the Beverly Court Cooperative. The plantings shall consist of one of or a mix of the following plant species:
    - i. *Viburnum pragnense*--Prague Viburnum
    - ii. *Euonymus kiautschovicus* 'Manhattan'--Manhattan Euonymus
    - iii. *Prunus laurocerasus schipkaensis*--Schip ('skip') LaurelThe plantings shall be provided within four weeks of the effective date of a BZA Order approving Case No. 18348.
  - g. The Applicant shall establish procedures for the use of the outdoor space that:
    - i. Prohibits the use of hard-wheeled toys on hard surfaces that are not smooth. This subsection seeks to eliminate noise generated when wheeled toys are used on bumpy pavers.
    - ii. Limits the levels of children crying in the rear yard by assisting in the cessation of the crying or by bringing the child indoors temporarily.
    - iii. Prohibits any adults, including instructors and parents, from raising their voice while in the rear yard.
  - h. The Applicant agrees to limit use of the rear yard to a maximum of six hours per day and the Applicant will make a good faith effort to use the rear yard no more than four hours on most days.

The key components of the Agreement from JumpStart's point of view deal with the amount of time JumpStart is permitted to use the outdoor space and the permanent approval of the application. Pursuant to its license with the Department of Health, JumpStart must provide at least two – one hour periods of outdoor play for its children. JumpStart, however, limits the number of children permitted outside at one time so it takes approximately three hours to provide each of the required outdoor space periods to all of the children, for a total of six hours of outdoor play time. Accordingly, JumpStart cannot support an Agreement that would limit the use of the outdoor play area to a period less than six hours a day. JumpStart makes every effort to limit this period to even less than six hours a day by using off-site play areas; yet, it needs to maintain the flexibility of being able to satisfy its licensing requirements on site on a daily basis. Beverly Court Cooperative supports the JumpStart's proposal to limit use of the rear yard to no more than six hours a day. They further understand that JumpStart will continue to make every effort to limit the use of rear yard to even less than six hours per day.

The second key component of the Agreement is Beverly Court Cooperative's support for the permanent approval of the application. This is extremely important to the JumpStart program because it is difficult to finance a child development center when its future is not certain. It is also important because Jubilee JumpStart is a non-profit organization and does not have a budget to account for the fees associated with a BZA case every three years. JumpStart appreciates

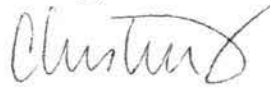
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Beverly Court's support for the permanent operation of the center and understands that if it does not comply with the terms of its BZA Order, Beverly Court may seek an enforcement action through the Office of the Zoning Administrator.

JumpStart looks forward to working with its neighbors at Beverly Court in the future. In light of the Agreement the two parties reached, Jubilee JumpStart asks the Board to approve its application for the continued use of a child development center on a permanent basis subject to the conditions listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine A. Roddy".

Christine A. Roddy

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Certificate of Service

The undersigned hereby certifies that copies of the foregoing document were delivered by first-class mail or hand delivery to the following addresses on June 19, 2012.

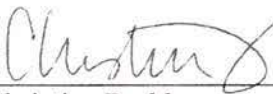
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Christine Roddy