

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

RECEIVED
D.C. OFFICE OF ZONING
2012 FEB -9 AM 10: 33

Application of Maria D. Naranjo

2909 North Capitol Street, NE, Washington, D.C.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction

Maria D. Naranjo (the "Applicant") seeks special exception relief under Sections 3104.1 and 205 of the Zoning Regulations to create a Child Development Center permitting the Applicant to provide home-based child care for up to twelve (12) children at certain premises located at 2909 North Capitol Street, NE, Washington, D.C. (Square 3500, Lot 0037) (the "Property").

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board of Zoning Adjustment ("Board" or "BZA") no fewer than 14 days prior to the public hearing for the present application. In its prehearing statement, and at the public hearing, the Applicant will provide evidence and testimony demonstrating its compliance with the special exception standards of Section 205. This preliminary statement of compliance is submitted in accordance with the Board's application process.

II. Property Description

The Property is an approximately 1,488 square foot lot fronting North Capitol Street, NE, with public alley access located to the east of the Property. The Property is improved with a row house constructed in 1910. Currently, the Applicant operates a Child Development Home with no more than 6 children pursuant to Home Occupation Permit No. HO 1000443. An enclosed and screened outdoor play area is located in the back of the Property for use by the children.

III. Compliance with Burden of Proof for Special Exception

Pursuant to Sections 310.1 and 205 of the Zoning Regulations, the Board may grant special exception relief to allow a child development center in a residential district, provided that certain requirements are met. As discussed herein, and as will be further demonstrated in its prehearing statement and testimony before the Board, the Applicant satisfies the requirements of Section 2.05.

A. *Section 205.1: Use as a child/elderly development center 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 Section 3104, subject to the provisions of this section.*

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18354
EXHIBIT NO. 5

Board of Zoning Adjustment
District of Columbia
CASE NO. 18354
EXHIBIT NO. 5

The Property is located in an R-3 District, and therefore the Applicant requests relief in the form of a special exception under Section 205 to operate a Child Development Center permitting up to twelve (12) children (the "Center").

B. *Section 205.2: The center or facility shall be capable of meeting all applicable code and licensing requirements.*

The Applicant will comply will all code and licensing requirements.

C. *Section 205.3: The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.*

The Center's students and staff will be drawn primarily from the immediate neighborhood surrounding the Property, as is currently the case. In addition to parents who will walk their children to and from the Center, the Property is conveniently located near five (5) public bus routes, which can be used by parents, children and employees of the Center. Finally, the Property is located near the intersection of North Capitol Street, N.E. and Girard Street, N.E., and on-street public parking can be safely used by parents or guardians when dropping off and picking up children from the Center without disruption to the flow of traffic in front of or near the Property.

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

The Property will provide sufficient parking to meet the demand for the Center, as most of the students and staff will be drawn from the immediate neighborhood. Because the improvements on the Property were constructed in 1910, no parking for the row dwelling was required at the time it was constructed, and thus the Property has one Parking Credit. With the provision of 5 employees for the Center, Section 2101.1 of the Zoning Regulations requires one additional parking space. The Applicant can provide a single complying parking space at the rear of the Property by reducing the size of the enclosed play area as shown on the attached Exhibit A.

E. *Section 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.*

At the rear of the Property, the Applicant has constructed, and attractively screened, an outdoor play area which is currently used by the children at the Child Development Home. While this space will be reduced by the provision of the required parking space, the area will continue to be safe, clean and maintained in an attractive and neat condition by the Applicant. The children of the Center will be provided with opportunities to exercise and play on a daily basis without objectionable impacts on the adjacent or nearby properties.

F. *Section 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.*

While the Property is already self-contained and screened from adjacent properties, the Board may require special treatment.

G. ***Section 205.7: Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center or facility in travelling between the play area and the center or facility itself.***

The Applicant will not require the use of any off-site play facilities.

H. ***Section 205.8: The Board may approve more than one (1) child/elderly development center or adult 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.***

There are two (2) other known child/elderly development centers located within 1,000 ft of the Property which are located respectively at 1 Michigan Avenue, N.W. and 27 Girard Street, N.E. The area within which the Property is located serves not only the residential community, but two (2) large hospitals and two (2) universities. The Center's impact on the community is positive in that it provides individuals who work within these hospitals and universities (as well as individuals who work in other portions of the DC Metropolitan Area) with affordable child care during the work day. Furthermore, against the backdrop of the loud and highly travelled North Capitol Street, which serves as a main artery for traffic to and from downtown DC, the addition of a Center has a very low cumulative impact on existing noise, traffic and operation of the neighborhood.

I. ***Section 205.9: Before taking any 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.***

The Applicant acknowledges that the application will be referred to the appropriate agencies.

J. ***Section 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.***

The Applicant acknowledges that the application will be referred to the appropriate agencies.

IV. Conclusion

Based on the foregoing, the Applicant meets the standards of Sections 3104.1 and 205 to allow for the operation of a child development center at the Property. The Applicant requests that the Board grant special exception approval for a period of not less than ten (10) years.

EXHIBIT A

NORTH CAPITOL
STREET, N.E.

