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**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of Barbara Chambers Children's Center
1470 Irving Street, NW, Washington, DC**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction

Barbara Chambers Children's Center (the "Applicant") seeks special exception relief under sections 3104.1, 3129.7, and 205 of the Zoning Regulations to expand an existing child development center at premises 1470 Irving Street, NW. (Square 2672, Assessment and Taxation Lot 881) (the "Property"). The Property is located in a R-5-B zone district and includes approximately 19,631 square feet of land area. The Property comprises a portion of Record Lot 723 in Square 2672. The remainder of Record Lot 723 consists of Assessment and Taxation Lot 880, which is owned by the Next Step Public Charter School, and which is not included as part of the present application.

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 consists of a large lot located south of Irving Street, NW. A public alley is located to the east of the Property. The Property is developed with a three-story building constructed around 1913 (the "BCCC Building"). The BCCC Building is physically connected, by way of a one-story enclosed passageway, to the building at 3047 15th Street, NW, which is owned by the Next Step Public Charter School. To the rear of the Property are playground facilities and open recreation space enclosed by a fence. Parking for the facility is also located to the rear of the building and is accessed by the adjacent public alley. The public alley can be accessed by Irving Street, Columbia Road, and 14th Street. The parking area is surrounded by a brick wall and fences, keeping it separate from the playground facilities.

The Applicant desires to expand the child development center use on the Property and therefore requests modification of the approved special exception (BZA Application No. 117731) to increase the maximum enrollment from 150 to 225 children and the maximum staff from 31 to 47.

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III. Compliance with Burden of Proof for Special Exception Relief

Pursuant to sections 3104.1 and 205, 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 205.

A. The Center Shall Be Capable of Meeting All Applicable Code and Licensing Requirements (205.2)

The Applicant is a licensed child development facility and operates pursuant to validly-issued certificate(s) of occupancy.

B. The Center Shall Be Located and Designated to Create No Objectionable Traffic Condition and No Unsafe Condition for Picking Up and Dropping Off Children (205.3)

The Applicant is a community-oriented facility operating at this location since 1973. The center's students and staff are drawn primarily from the immediate neighborhood, and substantial numbers of the center's students are dropped off/picked up by foot or public transit. Columbia Heights Metro Station is located one block away at the intersection of Irving and 14th Streets. Those students who are driven to the facility can be safely picked up and dropped off from vehicles on Irving Street, which runs one-way east towards 14th Street, from the public alley or from the rear parking area.

C. The Center Shall Provide Sufficient Off-Street Parking Spaces to Meet the Reasonable Needs of Teachers, Other Employees, and Visitors (205.4)

Adequate off-street parking to service the demand by teachers, employees and visitors is provided on Record Lot 723.

D. The Center, 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 (205.5)

The playground is located to the rear of the building and is fenced and located a substantial distance from any adjacent residential uses. The Applicant is not aware of any complaints from neighbors regarding any objectionable conditions on the Property.

E. The BZA May Require 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 the Adjacent and Nearby Properties (205.6)

The Property is already self-contained, screened and buffered from adjacent properties.

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F. 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 the Play Area and the Center Itself (205.7)

The Applicant does not currently utilize any off-site play facilities.

G. The Board May Approve More Than One Child Development Center in a Square of Within One Thousand Feet of Another Child Development Center Only When The Board Finds That The Cumulative Effect of Those Facilities Will Not Have an Adverse Impact on The Neighborhood Due to Traffic, Noise, Operations, or Other Similar Factors (205.8.)

The Applicant is not aware of another licensed child development center in Square 2672 or within one thousand feet of the Property.

H. Before Taking Final Action on an Application for Use as a Child Development Center and/or Elderly Day Care Center, the Board Shall Submit the Application to the D.C. Departments of Public Works and Health, the D.C. Office on Aging and the D.C. Office of Planning, for Review and Written Reports (205.9.)

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

Base on the foregoing, the Applicant meets the standards of sections 3104.1 and 205 to allow the expansion of a child care facility at the Property. The Applicant requests that the Board grant special exception approval to expand the use of the Property as a child development center with maximum enrollment of 225 children and maximum staff of 47.

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STATEMENT OF EXISTING AND INTENDED USES

The Applicant has been operating a child care facility at the subject property since 1972 and requests approval to continue and expand this longstanding use.

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