

Burden of Proof for Special Exception Relief

Introduction

For nearly 50 years, Barbara Chambers Children's Center, a 501(c)(3) organization, has been providing educational services to low-income families in the District of Columbia. To accommodate ever-increasing demand for these services, we have opened a second location in Shaw. We would like to prepare food for the new location at our current location, the subject property, 1470 Irving St NW. This "catering" activity falls outside of the as-of-right uses allowed in zone R-5-B. Therefore, we are seeking special exception relief under Section 351.1 of the Zoning Regulations to add an accessory catering operation to our current approved and licensed use as a child development center.

Compliance with Burden of Proof

Regarding the provisions of DCMR Title 11, Sections 101.1 and 351.1, the Board may grant special exception relief to allow an accessory catering use in a residential district, provided that certain requirements are met. Per the following, we satisfy these requirements:

101.1a Provide adequate light and air

Adequate light and air is being provided in the existing building; no physical changes to the approved and inspected facility are proposed. Adding catering as an accessory use will not require any changes to our current operation or require any new construction. There would be no impact on the provision of adequate light and air.

101.1b Prevent undue concentration of population and the overcrowding of land

No additional students or employees will be added to this location as a result of the addition of the catering use. Existing staff will use existing facilities to prepare the food.

101.1c Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services

Adding catering as an accessory use is highly consistent with the goals of providing civic activity, and recreational, cultural and educational opportunities; adding an accessory catering operation will further all those goals by enabling and facilitating the continuing and improved operation of a vital community educational institution. In addition, allowing the "catering" use will enhance the efficiency of our operation and the provision of early educational services in the city, by leveraging an existing facility to support the operation of a second facility. The addition of the catering use will not require any additional space, staff, vehicles or equipment.

351.1c Any other accessory uses or accessory buildings customarily incidental to the uses permitted in R-5 Districts under this chapter

Barbara Chambers Children's Center has operated in this R-5-B district for 47 years. It is customary and common for educational facilities with multiple locations to leverage the infrastructure and overhead at one location to benefit another. In fact, we sought the advice of

a peer institution before submitting this application; they too provide catering for a satellite location from their main facility.

As enumerated above, Barbara Chambers Children's Center meets the standards set forth in Sections 101.1 and 351.1 to be in harmony with the general purpose and intent of the zoning regulations and not to adversely affect the use of neighboring property. We respectfully request that the Board grant this special exception to allow an accessory catering operation at our primary location in zone R-5-B (Square 2672, Lot 0881).