BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Barbara Chambers Children's Center, Inc.

BZA Application No. 16817
Public Hearing: January 22, 2002
ANC 1A

STATEMENT OF THE APPLICANT

I. Nature of Relief Requested

This is an application by the [Barbara Chambers Children's Center, Inc.][1/] ("Applicant") pursuant to 11 DCMR § 3104.1 or a special exception to operate a child development center (150 children ages infant to 14 years, and 31 staff) under Section 205 in an R-5-B District at premises 1470 Irving Street, N.W. (Square 2672, Lot 723).

II. Jurisdiction Of The Board

The Board has jurisdiction to grant the requested special exception relief pursuant to Section 3104.1 of the Zoning Regulations. The Applicant's clear satisfaction of the burden of proof is set forth below.

III. Background Of The Application

The subject property, Lot 881 (a Part of Lot 723) in Square 2672, is located at 1470 Irving Street, N.W. Lot 881 has a lot area of 19,681 square feet and contains a three-story with

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1/ This application was originally filed in the name of Capital City Public Charter School which owned the property at that time. On January 2, 2002, the Barbara Chambers Children's Center, Inc. purchased the building at 1470 Irving Street, N.W. and Lot 881 (a part of Lot 723) in Square 2672.

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basement institutional building constructed in approximately 1913. See Exhibit A. The property is zoned R-5-B. The total gross floor area of the building is approximately 22,572 square feet with approximately 5,593 square feet on each of the four (4) levels (basement, first, second and third). The Applicant's building at 1470 Irving Street is physically connected, by way of an one-story enclosed passageway, to the building at 3047 15th Street, N.W. (Square 2672, Lot 880 (Part of Lot 723)) which is owned by the Capital City Public Charter School. See Exhibit A. This application involves only the continued and expanded use of 1470 Irving Street, N.W. by the Applicant. The building at 3047 15th Street, N.W. is vacant and in need of repairs before occupancy by the Capital City Public Charter School. A public charter school is a matter-of-right use.

At the rear of the building, playground facilities and open recreation space are located and enclosed by a fence. Parking at the site is provided for approximately sixteen (16) vehicles behind the building and accessed by the fifteen (15') foot public alley which runs north-south along the east side of the property. The parking area is surrounded by a brick wall and fences and is separated from the children's play area by a fence. The public alley is accessed from Irving Street, Columbia Road and 14th Street. See Exhibit B.

A. History of Child Development Center Use

This is an application to renew and expand a long-standing child development center use of this property. The Applicant is the oldest child care provider in this area having begun in 1968 at another location. In 1972, the Applicant moved to this location. In 1983, the child development center was renamed in honor of Barbara Chambers. Most recently, the Board, in Application No. 16161 (November 1996), approved for five (5) years an increase in the then

existing child development center and before and after school program for sixty (60) to eighty (80) children ages six (6) weeks to eleven (11) years and thirteen (13) to seventeen (17) staff. See Exhibit C. Pursuant to the Board's Order, the Applicant obtained the required certificate of occupancy and has occupied the basement and 1st floor of the building for the authorized uses. See Exhibit D. The basement contains a kitchen, large multi-purpose room and cafeteria, and the mechanical facilities. The first is used for classrooms and small administrative offices. The Applicant is a District of Columbia licensed Child Development Facility. See Exhibit E. The second and part of the third floors of the building are occupied by the La Clinica Del Pueblo, a general care medical clinic. The clinic is scheduled to move to another location in June 2002.

B. Proposed Expansion

The Applicant, after purchasing the building, proposes to expand its operations on all four (4) levels to accommodate one hundred fifty (150) children (forty (40) infants, one hundred ten (110) other ages) ages infant to fourteen (14) years old and thirty-one (31) staff. The Child Development Center will operate at its full capacity from 7:00 a.m. to 6:00 p.m. on weekdays and from 6:00 p.m. - 10:00 p.m. on weeknights for approximately fifty (50) children and a staff of eight (8). Additionally, adult education programs will be offered in the evenings. In the evenings, the Applicant will have a security guard on site and limit access to the building through the Irving Street entrance. The basement will continue to be used as the kitchen, cafeteria and multipurpose room. The first and second floors will be used as classrooms and the third floor will house the Applicant's administrative offices.

IV. Applicants Meet The Requirements For The Requested Special Exception

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the BZA's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites of the Regulations are satisfied, the Board ordinarily must grant the application. See, e.g., Bakers' Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth in greater detail below, approval of special exception relief in this case meets or exceeds all of the applicable requirements and is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use and enjoyment of nearby properties.

Under 11 DCMR 205 the following enumerated criteria to be applied by the Board:

205.2 The center shall be capable of meeting all applicable code and licensing requirements.

Compliance: The Applicant is currently a licensed (and inspected) child development facility and maintains the required certificate of occupancy. See Exhibits D and E. Upon receiving the Board's approval for the requested expansion, the Applicant will obtain all necessary building permits, child development center licenses and a new certificate of occupancy.

205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons.

Compliance: The Applicant is a community-oriented facility drawing its students and staff mostly from the immediate neighborhood. Pedestrian traffic to and from the building is substantial and the Columbia Heights Metro Station is located one block away at the intersection of Irving and 14th Streets. Students can be safely picked up and dropped from vehicles on Irving Street which runs one-way east towards 14th Street, from the public alley, or the rear parking area.

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

Compliance: Currently the Applicant provides parking for at least sixteen (16) vehicles in the rear. At this time, the parking area is not fully utilized and should accommodate the proposed expansion in conjunction with the immediate access to Metro and the substantial community-based pedestrian traffic to the building.

205.5 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 or activity, or visual or other objectionable conditions.

Compliance: The existing playground is fenced at the rear of the property and located a substantial distance from any adjacent residential uses. Given its location and fencing, the playground has not caused any objectionable conditions in the neighborhood that the Applicant has been informed of.

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 shall deem necessary to protect adjacent and nearby properties.

Compliance: The property is already substantially self-contained and isolated from the adjacent properties. At this time, there does not appear to be any need or basis for additional design or screening conditions to protect adjacent properties.

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 in traveling between the play area and the center itself.

Compliance: The Applicant currently uses the on-site play area which is accessed directly from the rear of the building and is fenced on all sides to ensure the safety of the children. There is no need to regularly use any off-site play facilities.

205.8 The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center 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.

Compliance: The Applicant has not currently identified any other licensed child development center in Square 2672 or within one thousand feet (1,000 ft.) of the property. It cannot be confirmed at this time, but a small child care center may be operated in the basement of the Calvary Methodist Church at 1459 Columbia Road, N.W., which is within 1,000 feet of the property. Applicant has operated at this location for almost thirty (30) years and should be allowed to continue and expand its longstanding service to this community. It does not appear

that any cumulative negative impact would be created from the Applicant's operation on Irving Street and a small operation on Columbia Road.

205.9 Before taking final action on an application for use as a child development 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.

Compliance: The Applicant has met with the Office of Planning and contacted the Department of Public Works, Transportation Branch, to discuss this application. No agency reports have been filed with the Board at this time.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District.

Compliance: No report has been received from the Department of Health which is currently processing the renewal license application for the Applicant's current operations.

V. Witnesses

The following witnesses will testify in support of this Application:

1. Ms. Maribel V. Torres

2. Other representatives of Applicant.

VI. Exhibits In Support Of Application

Exhibit A: Location Survey.

Exhibit B: Sanborn Atlas.

Exhibit C: BZA Order No. 16161.

Exhibit D: Certificate of Occupancy.

Exhibit E: Child Development Facility License.

VII. Conclusion

For the reasons set forth above, the requested special exception relief can be granted without impairing the intent, purpose and integrity of the Zoning Regulations. Applicants respectfully request the Board to issue a Bench Decision and Summary Order to allow this project to move forward as expeditiously as possible.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

January 8, 2002

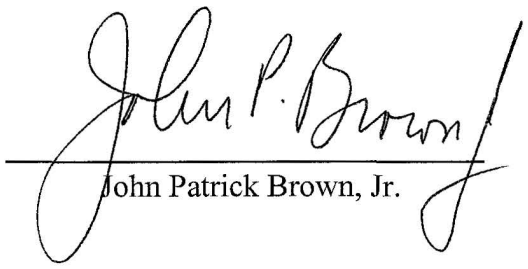
By: _____
John Patrick Brown, Jr.

Counsel for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Statement of the Applicant was served by hand-delivery, this 8th day of January, 2002, upon:

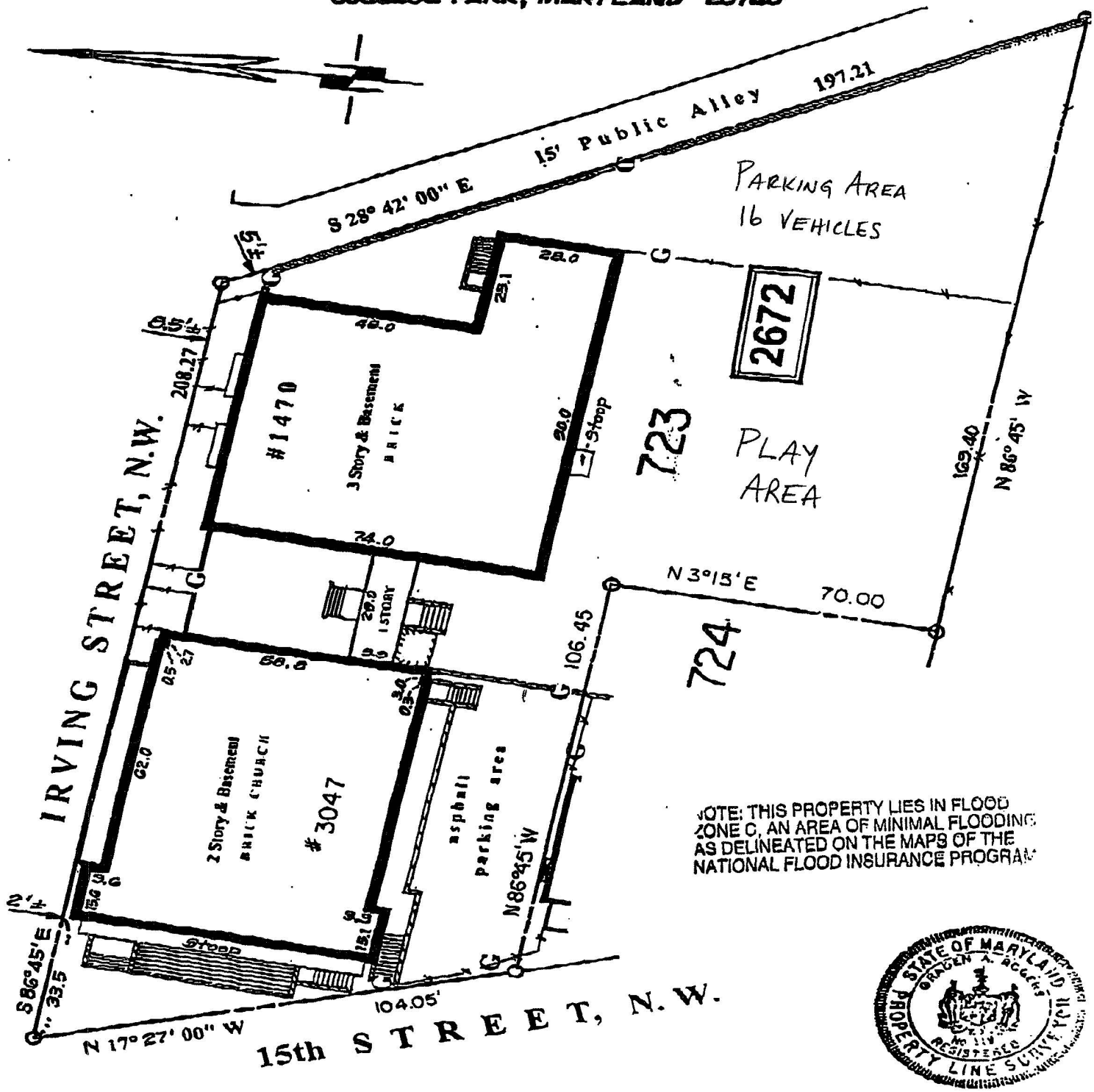
Ms. Elizabeth McIntire, Chairperson
Advisory Neighborhood Commission 1A
3511 14th Street, N.W., 2nd Floor
Washington, D.C. 20010



John Patrick Brown, Jr.

173937

LANDTECH ASSOCIATES, INC.
7607 BALTIMORE AVENUE SUITE 214
COLLEGE PARK, MARYLAND 20740



NOTE: THIS PROPERTY LIES IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM

STATE OF MARYLAND
GRADEN A. ROGERS
No. 119
REGISTERED
PROPERTY LINE SURVEYOR

NO TITLE REPORT FURNISH

LOCATION SURVEY OF 3047 15TH STREET, N.W. 1470 IRVING STREET, N.W. **WASHINGTON, D.C.**	LOT: 723 LIBER: 193 DATE: 8-16-01 CASE NO: 01G29	SQUARE: 2672 FOLIO: 199 SCALE: 1"=30' FILE NO: HT201215

CERTIFICATION: I hereby certify [illegible] of all the existing visible improvements on the above described property has [illegible] established in relation to the apparent title lines and that, unless otherwise shown [illegible] visible encroachments. This is not a property line survey and should not be used [illegible] of fences or any other improvements or for permit applications.

EXHIBIT A

PENGAD-Bayonne, N. J.

[illegible] — PROP. L.S. MD. LIC. NO. 119

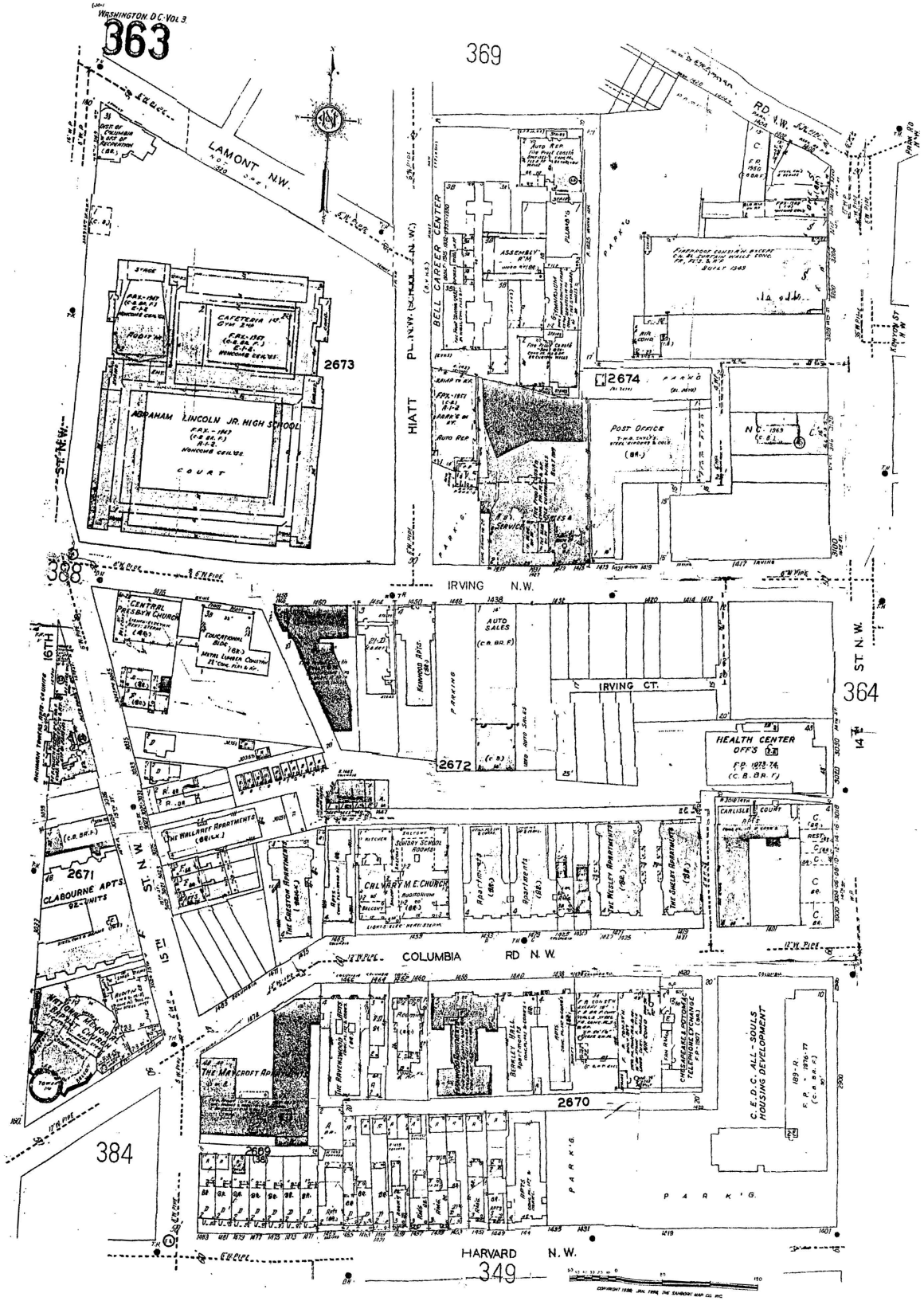


EXHIBIT
6
PERGAD-Bayonne, N. J.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16161 of the National Capital Presbytery, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to increase an existing child development center and a before and after school program for 60 to 80 children ages six weeks to 11 years and 13 to 17 staff in the basement and first floor in an R-5-B District at premises 1470 Irving Street, N.W. (Square 2672, Lot 874).

HEARING DATE: October 16, 1996
DECISION DATE: October 16, 1996 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1A. ANC 1A, which is automatically a party to the application, did not submitt a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1 Approval shall be for a period of **FIVE YEARS.**

2. The expanded center shall operate between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday.



3. The maximum number of children attending the center shall be 80.

4. The maximum number of employees shall be 17.

5. All outdoor activities shall take place under staff supervision at all times.

6. The children's arrival and departure shall be closely monitored by staff.

7. The grounds of the facility shall be maintained in a neat and orderly condition at all times.

8. Trash and refuse generated by the center shall be collected at least once a week.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Susan Morgan Hinton, Sheila Cross Reid, Laura M. Richards and John G. Parsons to grant; Angel F. Clarens not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: NOV 1 1996

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16161/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16161

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 1 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Giselle Cohen
1435 Newton Street, N.W.
Washington, D.C. 20010

Fransisca M. Ventura-Torres
3717 40th Place
Cottage City, Maryland 20722

Lenwood Johnson, Chairperson
Advisory Neighborhood Commission 1A
3511 - 14th Street, N.W., 2nd Floor
Washington, D.C. 20010

Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

Date: NOV 1 1996

BLRA-17
(Rev. 12/95)

District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P.O. BOX 37200 — Washington, D.C. 20013-7200

B00181123

CERTIFICATE OF OCCUPANCY

JUNE 17, 1998
(date)

Permission is hereby granted to BARBARA CHAMBERS CHILDREN'S CENTER
to use suite(s) _____ on the BASEMENT AND FIRST floor(s)
of the building located on lot(s) 869 square 2673
known as premises 1470 IRVING STREET, N.W. for the following
purpose(s) DAY CARE SERVICES - 80 KIDS & 17 STAFF - 2-½ - 11YRS.
NOT SEXUALLY ORIENTED. [ ] SU

BZA #: _____ EXPIRATION DATE: _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R5B FEE $ 39.86

Hampton Cross, Director

By _____
Designee

EXHIBIT D

PENDAR-Bayonne, N. J.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

C&RCFD Rev. 3/00

DEPARTMENT OF HEALTH
HEALTH REGULATION ADMINISTRATION

LICENSE FOR CHILD DEVELOPMENT FACILITY

License Number: 907245-CDC **Date Issued:** 07/11/01

Type of Facility: CHILD DEVELOPMENT CENTER **Date Expires:** 10/16/01

Maximum Number of Children Allowed: 80 **Hours of Service:** 07:00 AM - 06:00 PM

PERMISSION IS GIVEN TO (Name) BARBARA CHAMBER'S CHILD DEVELOPMENT CENTER

(Address) 1470 IRVING STREET, NW WASHINGTON, DC 20010

EXHIBIT E

PENGAD-Bayonne, N. J.

To establish, operate and maintain a Child Development Facility, subject to the following conditions, in accordance with Title 29 of the District of Columbia Municipal Regulations, Chapter 3, Child Development Facilities.

AGES: TWO AND ONE-HALF (2½) THRU FOURTEEN (14) YEARS OF AGE.

For the Director of Department of Health

By DENISE S. POPE, RN, MSN
Administrator, Health Regulation Administration

IVAN C.A. WALKS, M.D.
Director
Department of Health

APRIL L. BRAMBLE, M. ED.
Human Services Licensing Specialist/ Social Worker

THIS LICENSE APPLIES ONLY TO THE LICENSEE AND ADDRESS GIVEN HEREIN AND IS NOT TRANSFERRABLE.