BURDEN OF PROOF FOR SPECIAL EXCEPTION

Before being abandoned in 1999, this property had been in service as a day care center for 25 years. Prior to that, it was used as a community based residential facility since the late 1800s. Although it was originally designed as two connected houses, it has long been redesigned as one large facility, with large rooms, shared bathrooms, one kitchen and common heating, electrical and plumbing system. It would be costly at this point to restore it to residential use. Use as a community service center would allow it to continue to be in service without a major restructuring of the layout.

It should also be noted that due to its history of being in service to the Black community, this property is recognized by local historians as an historic property, although is has not been officially designated as such (ref. "The Guide to Black Washington" by Sandra Fitzpatrick and Maria Goodwin, page 110). In the interest of preserving its legacy, this property should be allowed to continue its service to the community.

The specific sections of 334 of the zoning regulations are addressed as follows:

Section 334.1 of the zoning regulations specifically allows for "*a community service center to accommodate organizations created for the purpose of improving the social or economic well being of the residents of the neighborhood in which the center is proposed to be located...*" if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31.

> As previously outlined, The Emergence Community Arts Collective was organized for the purpose of improving the social well being of the residents of the neighborhood. Its services are designed to facilitate social interaction, communication and recreation, as well as provide a forum for addressing neighborhood issues.

Section 334.2 states, "*A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.*"

> As noted in the photographs, this is a detached property with 20 feet between the properties on either side. We believe this distance will buffer the immediate neighbors from noise created by the center's activities. There are also plans to install insulation and close off some of the windows in the building which will further diminish the impact of noise on the neighbors. Most activities, especially those incorporating music, will be completed by 9pm. It should also be noted that the third floor apartment will be occupied by the manager of the center. As a resident of the neighborhood she will be readily available to monitor all activities and respond to any complaints. No activity at the center is expected to be objectionable because of noise.

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EXHIBIT NO. 5

We do not expect the center's activities to impact street parking for the reasons described in section II B. As shown in the plat, the rear lot has sufficient parking to meet the zoning requirements so that Euclid St. will not be burdened with an increase in cars.

Section 334.3 states, "*No structural changes shall be made except those required by other municipal laws or regulations.*"

There are no exterior structural changes or additions planned. As shown in section B, the changes to be made to the interior are minimum. The building's current floor plan required few changes to meet the needs of a community service center. Most of the rehabilitation needed will be to repair damage from its years of disuse, or to meet the requirements of the building codes.

Section 334.4 states, "*The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.*"

It is the priority of ECAC to serve the needs of the neighborhood. The center will host activities specifically targeted to the students of Bannekar High School and Howard University as well as the residents of Pleasant Plains.

Section 334.5 states, "*A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual.*"

ECAC is a non-profit organization. No part of its net income inures to the benefit of any private shareholder or individual.