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June 29, 2004

BY HAND DELIVERY

Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210 South
Washington, D.C. 20001

Re: Submission of Draft Findings of Fact and Conclusions of Law; App. No. 17160; Northwest Settlement House; 448 Ridge Street, N.W.

Dear Chairperson Griffis:

As requested by the Board at the conclusion of the May 25, 2004 hearing on the above-captioned matter, please find enclosed an original and twenty (20) copies of the draft Findings of Fact and Conclusions of Law.

Thank you for your consideration.

Sincerely,

Lyle M. Blanchard

236540v1
Enclosure

cc: Ms. Dena Greenstein
Suzane Reatig, FAIA
Mr. Ronald Wilmore
Jacques B. DePuy, Esquire

BZA
Case No. 17160
Exhibit No. 42

Board of Zoning Adjustment
District of Columbia
CASE NO. 17160
EXHIBIT NO. 42

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Submission of Draft Findings of Fact and Conclusions of Law was served by first-class mail, postage prepaid, this 29th day of June, 2004, to:

Mr. Stephen Mordfin
Office of Planning
801 North Capitol Street, N.E.,
3rd Floor
Washington, D.C. 20002

Mr. Leroy J. Thorpe, Jr.
Chairman, ANC 2C
1704 – 5th Street, N.W.,
Washington, D.C. 20001

Lyle M. Blanchard

236650

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17160 of Northwest Settlement House, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under Section 403, a variance from the off-street parking requirements under Subsection 2101.1 and, pursuant to 11 DCMR § 3104.1, a special exception to allow a child/elderly development center under Section 205 and a special exception to allow a community service center under Section 334, in the R-4 District at premises, 448 Ridge Street, N.W. (Square 513, Lots 825, 826, 827 and 828).

HEARING DATE: May 25, 2004
DECISION DATE: July 6, 2004

DECISION AND ORDER

This application was filed on March 2, 2004 by the owner of the property that is the subject of the application, Northwest Settlement House ("Applicant" or "NWSH"), an existing not-for-profit corporation which provides childcare and social services to the Shaw neighborhood community in a R-4 zone at 448 Ridge Street, N.W. (Square 513, Lots 825, 826, 827 and 828). The application was revised by Applicant following the inquiries by the Office of Zoning and the Board of Zoning Adjustment (the "Board") with respect to necessary zoning relief. The Applicant requested variance relief from 11 DCMR § 403, concerning lot occupancy requirements and Section 2101.1, concerning off-street parking requirements; special exceptions pursuant to Section 3104.1, to allow a child development center under Section 205 and a community service center under Section 334. A variance request to increase the maximum number of individuals at a child development center under Section 330.5(d) was was withdrawn as unnecessary.

Following a public hearing, the Board voted __-__-__ on July 6, 2004 to approve the application subject to conditions.

Preliminary Matters

Notice of Application and Notice of Hearing. By memoranda dated March 3, 2004 the Office of Zoning gave notice of the filing of the application to the Zoning Administrator; the Office of Planning ("OP"); the Department of Transportation ("DDOT"); the Department of Health ("DOH"); Advisory Neighborhood Commission ("ANC") 2C, the ANC for the area within which the Property is located; the ANC commissioner for the affected single-member district, ANC 2C04; and the Council member for Ward 2.

The Board scheduled a public hearing on the application for May 25, 2004. Pursuant to 11 DCMR § 3113.13, the Office of Zoning, on March 18, 2004, mailed notice of the hearing to the Applicant, the owners of all property within 200 feet of the Property, and ANC 2C. The Applicant's affidavit of posting indicates that zoning posters were placed on the Property in plain view of the public on May 7, 2004.

The application was originally filed for a variance from lot occupancy requirements, a variance from off-street parking requirements and a variance from the maximum number of individuals served at a child/elderly development center. However, the application was advertised by the Office of Zoning with a special exception for a child/elderly development center, pursuant to Section 205, as an alternative to the variance from Section 330.5(d) requested by Applicant. At the hearing, the Applicant withdrew its request for a variance from Section 330.5(d) as unnecessary. At the hearing, the Board inquired as to whether the Applicant desired to include a request for a special exception for a community service center, under Section 334, and the Applicant agreed to amend the application to include such relief.

Requests for Party Status. ANC 2C was automatically a party to this proceeding. The Board received a request for party status from Mr. Lawrence Matheson, who resides at 428 Ridge Street, N.W. (Exhibit 29). Mr. Matheson's request for party status was not granted by the Board due to Mr. Matheson's failure to appear at the hearing. The Board ruled to allow Mr. Matheson's motion for party status to remain in the record.

Applicant's Case. The Applicant presented testimony and evidence from Ms. Dena Greenstein, Chairperson, Board of Directors of NWSH, with respect to the background of NWSH, the need to expand and modernize NWSH's existing facility and steps taken with the community to build support; Mr. Ronald Wilmore, Executive Director, NWSH, with respect to current and future programming at NWSH; and the Applicant's architect, Suzane Reatig, FAIA, a principal in Suzane Reatig Architecture, with respect to design plans and elevations (Exhibit 10). After the public hearing, on June 15, 2004, the Applicant submitted supplemental information as requested by the Board.

Public Agency Reports and Memoranda. By memorandum dated May 18, 2004, the Office of Planning recommended approval of the variance request to eliminate the number of off-street parking spaces, but recommended denial of the requests for variances from the maximum lot occupancy permitted and to increase the maximum number of individuals for a child development center. By supplemental memorandum dated June 29, 2004, the Office of Planning recommended approval of the special exceptions to permit a child/elderly development center pursuant to Section 205 and a community service center pursuant to Section 334, subject to conditions (Exhibit 40). By memorandum dated May 24, 2004, DDOT recommended approval of the application without any conditions (Exhibit 36). By memorandum dated May 19, 2004, DOH recommended approval of the application without any conditions (Exhibit 23).

ANC Report. By letter dated May 20, 2004 (Exhibit 35), ANC 2C stated that it had voted unanimously, at a regular meeting with a quorum present on May 5, 2004, to approve the application with two conditions. The conditions were that (a) NWSH obtain a signed agreement with the Metropolitan Community Church for three (3) parking spaces needed under the Zoning Regulations and (b) NWSH provide a liaison to the Mount Vernon Neighborhood Association.

Party in Opposition. There were no parties in opposition.

Persons in Support or Opposition. The Board received four letters in support of the application from Apostle S. Green, Director of Special Projects of the United House of Prayer for All People (Exhibit 27), Ms. Myesha Carter (Exhibit 30), Ms. Lisa Wilkins (Exhibit 31) and Ms. Christine

Leake (Exhibit 32). The Board received a letter in opposition of the application from Mr. Sam Adams, Jr. (Exhibit 25). Mr. Deering Kendrick testified in opposition.

Findings of Fact

Property

1. The Property is located at 448 Ridge Street, N.W. (Square 513, Lots 825-828) (the "Property") in the Shaw neighborhood of Ward 2. The site is rectangular. However, as discussed below, it is atypically large in area for the block and neighborhood and has an uncommonly large frontage (i.e., 78 feet) along Ridge Street.

2. The Property is currently developed with a one-story building containing a child development center with hard top and grass playground areas for thirty (30) students. The building was constructed in 1962.

3. NWSH currently provides a wide range of services including day-care for pre-school children and infants, at the Property.

4. The Property is zoned R-4.

Applicant's Proposal

5. Applicant proposes to redevelop the Property to consolidate Applicant's child development and community service programs by:

    a. razing the existing building and constructing a modern facility to better support Applicant's activities and serve the community;

    b. reducing the number of required off-street parking spaces on site for a child/elderly development center and a community service center;

    c. accommodating up to forty (40) children, as a part of the child/elderly development center with infant and pre-school care, as well as after-school care and programs for senior citizens;

    d. providing social services to individuals and families, at the Property as a part of the community service center; and

    e. maintaining a full time equivalent of eighteen (18) staff members for the child/elderly development center and the community service center.

6. Applicant proposes to construct a two-story building containing a child development and community service center. The proposed building will consist of a multi-purpose hallway area, five (5) classrooms, two (2) meeting rooms, five (5) small offices for teachers and staff, a teachers lounge, a director's office, a small kitchen and a computer lab. The ground floor is designed exclusively for infants and toddlers and the second floor will be used for after-school programs and adult programs.

7. The outdoor play area will be located in the rear of the subject site, located away from nearby residential uses. The outdoor play area will include approximately 3,400 square feet of secure and appropriate play space for toddlers and pre-schoolers. Included in the outdoor play area will be a play structure, open space, gardening and natural areas. The outdoor play area will be enclosed by a six foot (6') masonry wall and landscaped plantings that will reduce noise and light impact to surrounding properties.

8. Although the Applicant seeks a variance from the on-site parking requirements (as discussed below), it proposes the use of three (3) off-street parking spaces at the Metropolitan Community Church of Washington D.C., located near the southeast corner of 5th Street, N.W. and Ridge Street, N.W., and seven (7) off-street parking spaces at the Washington Apartments, located on 5th Street.

9. Applicant proposes to accommodate up to sixty (60) children, including twenty-four (24) infants and toddlers and sixteen (16) two- to five-year olds during the day time, and twenty (20) school aged children during after school hours. Additionally, Applicant proposes to accommodate senior citizens for monthly meetings during the day, parenting programs during week day evenings, and general social and advocacy services to the community on a daily basis.

10. Staff members include the full-time equivalent of seven (7) staff members for infant and toddler care, four (4) staff members for pre-school care and two (2) staff members for after-school care. In addition, Applicant will have five (5) administrative staff members, including an Executive Director, Deputy Executive Director, Director of Development Day Care, Director of Youth Services, and Director of Social Services.

11. Applicant proposes a drop-off and pick-up plan for children attending the child development center. Applicant worked with DDOT to provide for parking restrictions of fifteen (15) minute parking for four (4) parking spaces in front of the Property for morning drop-off and afternoon pick-up. Currently, drop-off occurs between 7:30 a.m. and 9:30 a.m. and pick-up is between 3:30 p.m. and 6:00 p.m. The Applicant testified that the number of vehicles per hour that drop-off or pick-up children should be approximately two (2) per hour. Written instructions regarding drop-off and pick-up will be provided to the parents of children attending the center.

12. The Property is within 1,000 feet of another day care facility which is operated by First Rising Mount Zion Church at 6th and N Streets, N.W. For approximately the past ten (10) years, these two centers have existed at a distance of two and one half blocks away from each other. However, this has not resulted in and the Applicant submitted in its post-hearing materials that this should not result in any adverse impacts on the neighborhood due to traffic, noise, operations or other similar factors.

13. Under Chapter 21 of the Zoning Regulations, a child/elderly development center is required to provide one parking space for each four teacher or other employees and a community service center is required to provide one parking space for each ten seats of occupancy for the first 10,000 seats, plus one for each twenty seats above the first 10,000 seats, provided that where such seats are not fixed, each seven square feet usable for

seating shall be considered one seat. As a child/elderly development center, the Applicant is required to provide three (3) parking spaces for its total proposed day-care staff members pursuant to Sections 205 and 2101.1. Because none of the rooms in the proposed building are suitable for assembly use and the most available square feet of useable seating space is approximately 490 square feet, the Applicant is required to provide the equivalent of seven (7) parking spaces for its use as a community service center pursuant to Sections 334 and 2101.1.

14. Applicant requested two variances:

    a. a variance from the requirement under Section 403 of a maximum lot occupancy in a R-4 District of forty percent (40%) for "all other structures"; and

    b. a variance from the requirement under Section 2101.1 from the off-street parking requirements for a child/elderly development center and a community service center.

15. Applicant stated that the tests for the requested variances were satisfied:

    a. The Property is unique given several exceptional circumstances including: (i) the lot size is atypically large for the block and the neighborhood, (ii) its usually large frontage along Ridge Street, (iii) its lack of alleyway access or curb-cuts along Ridge Street (due to a denial by the HPRB), creating a "land-locked" site, (iv) the Property's long history of non-residential use as an impoundment lot, a play ground and, for the past 42 years, as a child development center, (v) the Applicant's accredited preschool program with the National Association for the Education of Young Children, and (vi) its location within the Mount Vernon Historic District and thus, its review by the Historic Preservation Review Board ("HPRB").

    b. The unique lot conditions cause practical difficulties for the Applicant as follows:

        (1) In regards to the variance from the maximum lot occupancy of forty percent (40%), the proposed building was designed to comply with the accreditation standards or the care of young children, accommodate Applicant's operational and programmatic needs, and provide services to a greater number of individuals in a severely underserved neighborhood. However, due to the unique conditions of the lot, Applicant is not able to meet these objectives without zoning relief. The current structure was built in 1961, is antiquated, small and oddly-situated on the site and is unable to meet needs of a modern child development facility. In Monaco v. D.C. Board of Zoning Adjustment, 407 A.2d 1091 (D.C. App. 1979), the Court of Appeals found that "when a public service has inadequate facilities and applies for a variance to expand into an adjacent area in common ownership which has long been regarded as part of the same site, the Board of Zoning Adjustment does not err in considering the needs of the organization as possible 'other extraordinary and exceptional situation

or condition of a particular piece of property.'" The majority of the ground floor must be designed for infant and toddler program in accordance with accreditation standards. Finally, in conformance with the character of the neighborhood, the building is limited to two stories, which was supported by the HPRB in its review and approval of the plans for the proposed building (Exhibit 28, exhibit C).

(2) In regards to the variance from the off-street parking requirements for a child/elderly development center and a community service center, the parking requirement for the child/elderly development center is unable to be met because HPRB denied a curb cut for this purpose. However, the parking needs generated by NWSH are being met through an agreement to provide three spaces at the Metropolitan Community Church. (Exhibit 28, exhibit D). Currently, there are no parking spaces located on the Property. The Property is not adjacent to an alleyway and due to the HPRB 's denial of a curb cut to the site, parking spaces cannot be provided on the Property (Exhibit 28, exhibit C).

c. The requested variances will not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

(1) The requested variance from the maximum lot occupancy will not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. First, the proposed building will be used for purposes similar to institutional uses (i.e. schools and churches), for which a sixty percent (60%) lot occupancy is allowed in a R-4 District. Second, the proposed building, as designed, will provide substantial benefits to the Shaw community by accommodating a greater number of individuals and providing better services through improved facilities. Third, no increase in noise, glare of lights or other objectionable condition will be caused by the proposed building's lot occupancy.

(2) The requested variance from the off-street parking requirements will not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. Seven (7) additional off-street parking spaces are provided by the Applicant at the Washington Apartments located a half block away from Ridge Street. Thirty-three percent (33%) of the total number of staff walk or take public transportation to the Property. Seniors and occasional visitors generally walk to the Property and thus do not require parking. Presently, over eight-five percent (85%) of children walk to the Property. Finally, Applicant has four (4) parking spaces in front of the Property for morning drop-off and afternoon pick-up of children attending the center.

16. Applicant proposes to appoint a liaison to the Mount Vernon Square Neighborhood Association to act as a point of contact for neighbors to discuss any concerns regarding the facility.

17. The Office of Planning concluded that the Application was consistent with the requirements of (i) Section 205, with respect to a child/elderly development center, because the requested special exception would not create adverse impacts on neighboring property with respect to noise, activity, visual, traffic or parking; and (ii) Section 334, with respect to a community service center, because the requested special exceptions would not create adverse impacts on neighboring property with respect to noise or other objectionable condition.

18. The Office of Planning found that the requested variances from maximum lot occupancy and off-street parking spaces, if granted, would not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zoning Regulations and Map.

19. DDOT recommended approval of the application and did not identify any objectionable conditions or adverse impacts associated with the requested special exceptions or variances.

20. DOH recommended approval of the application, did not identify any objectionable conditions or adverse impacts associated with the requested special exceptions or variances.

21. ANC 2C recommended approval of the application subject to proposed conditions which have been agreed to by the Applicant.

Conclusions of Law

Variances.

The Applicant seeks variances from the requirements of a maximum lot occupancy in a R-4 District of forty percent (40%) under Section 403 and the requirement under Section 2101.1 for on-site parking for a child/elderly development center and a community service center. A child/elderly development center is required to "provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors." 11 DCMR § 205.4.

The Board is authorized to grant a variance from the strict application of the Zoning Regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, the strict application of any Zoning Regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. D.C. Official Code § 6-641.07(g)(3) (2001); 11 DCMR § 3103.2.

The Board concurs with the Applicant and the Office of Planning that the Property is unique in light of its atypically large lot size for the block and the neighborhood, its usually large frontage along Ridge Street, the status of the Property as "land-locked" without curb cuts or alleyway access, the Property's long history of non-residential use as an impoundment lot, a play

ground and, for the past 42 years, as a child development center, the Applicant's accredited preschool program with the National Association for the Education of Young Children, and its location within the Mount Vernon Historic District. Many of these conditions support the need for the construction of adequate facilities on the Property. Additionally, several of the conditions limit the possibility of off-street parking on the Property. The strict application of the Zoning Regulations would result in practical difficulties to the Applicant because of these unique conditions which limit the construction of adequate facilities and off-street parking.

The Board also concludes that the requested variances would not cause substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. By requesting a variance from Section 403, Applicant seeks permission to construct a building with a sixty-two percent (62%) lot occupancy so that it will have a facility which will meet its programmatic needs and the accreditation standards required by the National Association for the Education of Young Children. Design of the facility is further controlled by the Property's location with the Mount Vernon Historic District, limiting it to only two floors so as to be in harmony with adjacent structures. Additionally, although row dwellings, flats, churches and public schools are allowed at sixty percent (60%) lot occupancy in a R-4 Zone District, the strict application of the Zoning Regulations would require the Applicant to construct a building with only a forty percent (40%) lot occupancy. The Office of Planning was unable to identify any adverse impacts associated with the requested lot occupancy variance and as such, the Board concludes that the lot occupancy at the Property is not likely to be objectionable to adjoining or nearby property nor cause any adverse impacts or detrimental effects on the public.

By requesting a variance from Section 2101.1, Applicant seeks relief from the off-street parking requirements due to the inability to locate parking spaces on the subject site. The parking requirements cannot be met due to the denial by the HPRB of a curb cut and the lack of rear alley or other access. Currently, there are no parking spaces located on the Property. Although Applicant cannot provide parking spaces on the subject site, Applicant has made agreements for the use of three (3) parking spaces at a nearby church and seven (7) parking spaces at a nearby apartment building. The DDOT was unable to identify any adverse impacts associated with the requested parking variance. Furthermore, with Applicant's mitigation of the subject site's parking deficiency, the Board concludes that the grant of such variances will not cause substantial detriment to the public good nor cause any adverse impacts.

Special Exceptions.

The Applicant seeks two special exceptions to construct a new facility at the Property to serve as a child/elderly development center pursuant to Section 205 and a community service center pursuant to Section 334. The Board is authorized to grant a special exception where, in its judgment, the special exception will "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ... ." 11 DCMR § 3104.1.

The Application must also satisfy Section 205 of the Zoning Regulations, which requires that a child/elderly development center "be capable of meeting all applicable code and licensing requirements", "be located and designed to create no objectionable traffic conditions and no

unsafe condition for picking up and dropping off children or elderly persons", "provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors", "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", and if a child/elderly development center have any off-site play areas, that it "shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play are and the center itself." 11 DCMR § 205. Furthermore, 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 properties adjacent and nearby the child/elderly development center. 11 DCMR § 205. The Board must also consider whether another child/elderly development center in a square or within one thousand feet of another child/elderly development center will have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors and must submit the application to DDOT, the D.C. Office on Aging, and the Office of Planning for review and written reports, and to the Department of Human Services for report and advise as to whether the center can meet licensing requirements. 11 DCMR § 205.

Additionally, the Application must satisfy Section 334 of the Zoning Regulations, which requires that a community service center be located so that "it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions", "no structural changes be made except those required by other municipal laws or regulations", "the use be reasonably necessary or convenient to the neighborhood in which it is proposed to be located" and that "[it] shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual." 11 DCMR § 334.

The Board concurs with the Applicant and the Office of Planning that the requested use of the Property as a child/elderly development center is not likely to cause objectionable conditions or adversely affect neighboring property. The Property has been serving the community as a child development center for over forty years. All of the programs Applicant proposes to offer at the Property were held at the property until five years ago, but were relocated due to a need for more space. Applicant shall comply with all applicable code and licensing requirements for the center. As a community-oriented facility, most of the individuals served and a majority of the staff come from the immediate neighborhood and walk to the center. A Metro station is located three and one half blocks away. Additionally, Applicant has provided for off-street parking spaces for its staff at other parking lots in the neighborhood and a drop-off and pick-up plan for children in order to reduce any possible objectionable traffic or parking conditions. The outdoor play area is designed such that there will no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions. The center will not have any off-site play areas. No adverse impacts on traffic, noise, operations or similar factors are likely to occur due to the close proximately of another day care center operated by First Rising Mount Zion Church, which has been operating along with Applicant's facility for approximately the last ten years. Finally, proper reviews, referrals and reports have been completed by the Office of Planning, DDOT and DOH.

The Board also concurs with the Applicant and the Office of Planning that the requested use of the Property as a community service center is not likely to cause objectionable conditions or adversely affect neighboring property. The location and design of the center is not likely to

cause noise or other objectionable conditions on adjacent or nearby properties. Applicant shall comply with all applicable laws and regulations in regards to the permits for the construction of the new facility. Applicant has provided services to the Shaw community for over forty years at the subject site. Finally, Applicant has operated as a non-profit organization since 1934.

The Board concludes that, pursuant to Sections 206, 334 and 3104.1, the special exception relief requested for the child/elderly development center and community service center can be granted as it is in harmony with the general purpose and intent of the Zoning Regulations and Map and that as conditioned by this order, the special exception will not tend to affect adversely the use of neighboring properties in accordance with the Zoning Regulations and Map.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns of ANC 2C, the Board concludes that the Applicant has met its burden of proof. In approving the application, the Board has determined to impose conditions to this order in response to the Applicant's proposal and the recommendations of the Office of Planning.

It is hereby **ORDERED** that the application is **GRANTED**, subject to the following conditions:

1. Approval shall be for **TEN (10) YEARS** commencing upon issuance of the Certificate of Occupancy.

2. The Applicant shall appoint a liaison to Mount Vernon Square Neighborhood Association and to act as a point of contact for neighbors to discuss any concerns about NWSH's operations.

3. The child/elderly development center shall not exceed sixty (60) students and senior citizens at any given time.

4. The staff of child/elderly development center shall not exceed the equivalent of twelve (12) full time positions. The staff of the community service center shall not exceed the equivalent of six (6) full time positions.

5. The maximum hours of operation for the child/elderly development center shall be from 7:00 a.m. to 6:00 p.m. The maximum hours of operation for the community service center shall be from 9:00 a.m. to 7:00 p.m. with an occasional parenting class until 8:00 p.m.

6. The Applicant shall develop a program to encourage employees of the child/elderly development center and the community service center to use nearby Metro bus and Metro rail service.

7. The Applicant shall abide by the existing DDOT regulatory parking signage in front of the Property.

8. The Applicant shall provide written instructions to parents, teachers and staff of NWSH about utilizing the four (4) restricted spaces in front of the building and to drop off and pick up only from the south side of the Ridge Street, N.W.

9. The Applicant shall ensure that ten (10) off-street parking spaces are available for use by teachers and staff.

VOTE: __-__-__ (Geoffrey H. Griffis, Curtis L. Etherly, Jr., John Mann II, Ruthanne G. Miller, and Gregory N. Jefferies to _____)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL

APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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