

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

**Application for 2017 Savannah Terrace, S.E.
(Square 5894, Lot 62)**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted on behalf of AppleTree Early Learning Public Charter School (the “Applicant”), owner of the property located at 2017 Savannah Terrace, S.E., Washington, D.C. (Square 5894, Lot 62) (the “Property”) in support of its application, pursuant to 11-X DCMR § 901.2 for special exception approval to continue the operation of a child development center at the Property. The Property is located in the RA-1 Zone District.

Pursuant to 11-Y DCMR § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or the “Board”) no fewer than twenty one days prior to the public hearing for the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

I. BACKGROUND ON THE APPLICANT

The Applicant is a not-for-profit organization dedicated to the mission of ensuring all children enter kindergarten with the cognitive and social emotional skills to thrive. With over 1200 students enrolled, AppleTree is the largest and most successful provider of pre-school and pre-kindergarten education in the District of Columbia. AppleTree’s Douglas Knoll campus opened in 2011, and serves the local community, including 25 homeless students. One-Hundred percent of the Douglas Knoll students qualify for free meals, and our preschool in the Douglas Knoll community is the result of an intentional decision by the community to embed high-quality, full-day, publicly-funded early education into a low-income housing development. In addition, the Applicant’s programming is highly-rated by the District of Columbia Public Charter School Board and recognized as a national model for quality early learning by leading philanthropists and the US Department of Education.

II. SITE AND PROJECT DESCRIPTION

The Property is an approximately 25,206 square foot lot fronting Savannah Terrace S.E. The Property is presently improved with a child development center and an 18 car accessory surface parking lot. The Applicant is proposing to continue the operation of the child development center, which was granted special exception approval in 2008 pursuant to BZA Order No. 17828 (the “BZA Order”). The BZA Order was valid for a period of seven years such that it expired on October 24, 2015. The BZA Order also granted variance relief from the minimum parking requirements. A copy of the BZA Order is attached as Exhibit A.

II. SPECIAL EXCEPTION RELIEF

The Applicant seeks special exception approval pursuant to 11-X DCMR § 901.2 to continue its operation of a child development center on the Property. Pursuant to D.C. Code §6-641.07(g)(2) and 11-X DCMR § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

The Applicant has complied with the 12 conditions in the BZA Order. The number of teachers and staff does not exceed 20 and no more than 90 children are on the Property at one time. The Applicant is not seeking to increase its number of teachers or staff, but is merely seeking to continue its current operation. As a result, the Applicant proposes the following conditions of approval in order to mitigate any adverse impacts from the continued operation of the child development center:

1. The number of teachers and staff shall not exceed 20.
2. There shall be no more than 90 children on the site at one time.
3. Play areas will be immediately adjacent to the facility.
4. The Center will operate, maximum, Monday through Friday from 7 a.m. to 7 p.m.
5. The Center shall provide trash removal at a minimum of two times per week.
6. The Center shall schedule delivery of materials and other goods between the hours of 10 a.m. and 2 p.m.
7. The Center shall use its best efforts to mitigate any parking problems in the area, to hire local personnel, and to encourage the use of public transportation by the staff.
8. Drop-off and pick-up shall take place at the Savannah Terrace, S.E. entrance to the building or at the nearby 22nd Street, S.E. cul-de-sac.
9. Staff members or adult volunteers shall escort the children between the pick-up/drop-off points and the building.
10. At least one additional staff member shall be assigned to direct traffic at drop off and pick up times.

11. The Center shall provide adequate lighting for pedestrians using the pathway and or stairs leading to/from the 22nd Street cul-de-sac. The applicant shall install three pole light fixtures – one at the top of the stairway, one at the bottom of the stairway and one at or near the middle of the stairway.

Based on the foregoing, the Applicant has demonstrated that it meets the test for special exception approval under 11-X DCMR 901.2 .

III. Affected Advisory Neighborhood Commission

As required under Subtitle Y § 300.8(1), the Applicant has apprised Advisory Neighborhood Commission (“ANC”) 8E of the BZA application. The Applicant will continue to coordinate with ANC 8E and the Office of Planning, and other interested stakeholders between the time of filing the subject application and the public hearing.