

## BURDEN OF PROOF STATEMENT

### I. CENTER BACKGROUND

The property located at 2420 Rhode Island Avenue NE has operated as a licensed daycare facility for more than 30 years, serving generations of families in the surrounding community. The site has a long-standing history as a child-serving institution and has consistently functioned as a safe, stable, and appropriate location for early childhood education.

Children of the Future seek to continue this historic use by reopening the center to serve 60 children ages 2½ to 5 years old, and 12 staff. The proposed operating hours are 7:00 a.m. to 6:00 p.m., aligning with traditional childcare needs for working families. The Applicant's program is designed to preserve the building's legacy as a community-serving childcare facility while enhancing safety, structure, and educational quality.

This longstanding use history strongly supports the appropriateness of the requested special exception.

### II. SUBTITLE U §203.1(h) – DAYTIME CARE USE

#### 1. Subtitle U §203.1(h)(1)

No objectionable traffic or unsafe pick-up/drop-off conditions

The facility is designed to avoid objectionable traffic impacts and ensure safe, orderly pick-up and drop-off operations. The Applicant has secured daytime access to the adjacent church parking lot, which can accommodate up to 30 vehicles during operating hours.

This arrangement:

- Prevents on-street congestion
- Eliminates double-parking and unsafe maneuvers
- Provides safe, off-street parking for staff and parents
- Reduces circulation on residential streets
- Supports staggered arrival and departure schedules

These measures ensure no objectionable traffic conditions and maintain safe, predictable pick-up and drop-off operations.

#### 2. Subtitle U §203.1(h)(2)

Safe access to any off-site play area

If an off-site play area is used, the Applicant ensures:

- A fully supervised walking route
- Continuous sidewalks with no mid-block crossings
- Staff positioned at the front and rear of the group
- Compliance with OSSE transition requirements
- Use of fenced, secured play areas

These measures ensure that children traveling between the facility and any off-site play area are never placed in unsafe conditions.

### 3. Subtitle U §203.1(h)(3)

Special treatment to protect adjacent properties

The Applicant incorporates design and operational measures to protect nearby residential properties, including:

- Landscaping buffers and plantings
- Opaque fencing to reduce noise and visual impacts
- Downward-facing lighting to prevent spillover
- Screened trash storage
- Clear directional signage

Additionally, the use of the 30-space church parking lot protects adjacent properties by:

- Keeping vehicles off neighborhood streets
- Reducing noise, idling, and circulation
- Concentrating parking activity in an established, non-residential area

These measures ensure compatibility with surrounding residential uses.

### 4. Subtitle U §203.1(h)(4)

No adverse cumulative impact from multiple facilities

A review of nearby facilities confirms:

- No clustering of similar uses within 1,000 feet
- No cumulative traffic or noise impacts

- The 30-space church parking lot prevents spillover parking
- The scale and intensity of the use are consistent with neighborhood character

Therefore, the cumulative effect of the proposed use will not adversely impact the neighborhood.

### III. SUBTITLE C §703 – SPECIAL EXCEPTION FROM PARKING REQUIREMENTS

#### 1. Physical constraints make on-site parking impractical (C §703.2(a))

- The property lacks alley access.
- The lot configuration cannot accommodate compliant parking spaces.
- Adding parking would require unsafe curb cuts or removal of required open space.

Thus, providing on-site parking is physically impractical.

#### 2. Proximity to transit reduces parking demand (C §703.2(c))

- The site is served by multiple bus routes.
- Staff and families primarily use transit, rideshare, or walking.
- The center's operations do not generate long-term parking demand.

#### 3. Off-site parking is available and secured (C §703.2(f))

The Applicant has secured exclusive daytime access to a 30-space church parking lot located within the required distance. This arrangement:

- Fully satisfies operational parking needs
- Prevents spillover onto residential streets
- Provides safe, predictable parking for staff and parents

This meets the intent of Subtitle C §703 by ensuring that required parking is adequately and safely accommodated.

### IV. SUBTITLE X §901 – GENERAL SPECIAL EXCEPTION STANDARDS

1. Harmony with the zone plan (X §901.2(a))
2. Daytime care uses are expressly permitted in R-Use Groups A, B, and C when approved as a special exception. The proposed use:
  - Continues a 30-year historic childcare use
  - Supports family-serving neighborhood functions

- Maintains residential character
- Requires no variance from development standards

The project is in harmony with the zone plan.

## 2. No adverse effect on neighboring properties (X §901.2(b))

The project avoids adverse impacts through:

- Managed traffic operations
- Use of the 30-space church parking lot
- Landscaping and screening
- Noise-mitigation measures
- Limited hours of operation (7:00 a.m. – 6:00 p.m.)

These measures ensure no undue adverse effects on neighboring properties.

## 3. Compliance with specific special exception criteria (X §901.2(c))

The Applicant satisfies:

- All requirements of Subtitle U §203.1(h)
- All applicable criteria of Subtitle C §703

Therefore, the application meets all standards for special exception approval.

## V. CONCLUSION

The Applicant has demonstrated compliance with:

- Subtitle U §203.1(h) – Daytime Care Use
- Subtitle C §703 – Parking Relief
- Subtitle X §901 – General Special Exception Standards

The proposed use is safe, compatible, historically appropriate, and fully aligned with the District's zoning framework. The Applicant respectfully requests that the Board of Zoning Adjustment grant the requested special exceptions.