

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18309 of Jubilee Housing, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (70 infants and children and 25 staff) under § 205, and a special exception to allow a community service center serving 30 high school aged children under § 334.1, in the D/R-5-B District on the ground floor of premises 1474 Columbia Road, N.W. (Square 2669, Lot 825).¹

HEARING DATE: February 14, 2012

DECISION DATE: February 14, 2012

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 26.)

The Board provided proper and timely notice of the 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 this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A filed two letter reports, the first dated January 11, 2012, and the second dated February 8, 2012, which indicated that at regularly scheduled public meetings, first on January 11, 2012 and subsequently on February 8, 2012, with a quorum of Commissioners present at each meeting, the ANC voted 10:0:0 on January 11, 2012, and 9:0:0 on February 8, 2012, to support the application. (Exhibits 30 and 36.)

¹ The Applicant amended the application by changing its initial request for special exception relief pursuant to § 209 for community centers to a request for relief pursuant to § 334.1 for community service center uses. (Exhibit 26.) Also, the Applicant amended its application by lowering its request for the child development center from 80 infants and children and 15 staff to 70 children and 25 staff and for the community service center (Teen Renaissance Center) from 35 children and five staff to 30 children and four staff. (Exhibit 29.)

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The Office of Planning (“OP”) submitted a timely report recommending approval of the application for use as a child development center and as two service community uses, as requested, subject to conditions.² (Exhibit 31.) By its letter, dated October 18, 2011, the Office of State Superintendent of Education also recommended that the application be approved. (Exhibit 21.) The District Department of Transportation (“DDOT”) submitted a letter dated February 2, 2012, recommending approval of the application for the record, provided that certain conditions were met.³ (Exhibit 32.)

Letters of support were submitted for the record from Councilmember Jim Graham (Ward 1) (Exhibit 33), Lori Kaplan, Latin American Youth Center (Exhibit 35), and Commissioner Sheldon Scott, single member district ANC 1A-03 (Exhibit 37). Also, testimony in support of the application was submitted by residents Josh Gibson, Andrea Cooper, and Ingrid Nunez, each of whom is a parent of a child who participates in one or more of the uses in the application in other locations.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exceptions under §§ 205 and 334.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 205, and 334.1 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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, 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.

It is therefore **ORDERED** that this application be **GRANTED (pursuant to the Approved Plans in Exhibit 29, Tab A) WITH THE FOLLOWING CONDITIONS:**

1. Approval shall be for a period of seven (7) years commencing on the issuance of the first certificate of occupancy for the child development center or community service center uses at the property.

² The report from the Historic Preservation Review Board, designating the property as a historic landmark, is attached to the OP report. (Exhibit 31, attachment 1.)

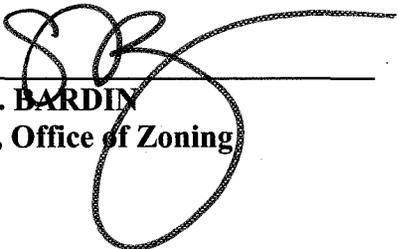
³ The Applicant, through its transportation consultants, responded to DDOT’s requests and proposed a Traffic Management Plan to address them. (Exhibits 29, Tab B2 and 34.)

2. There shall be a maximum of 70 children and 25 staff at the JumpStart space at any one time during its core hours of 7:00 AM to 6:00 PM. There shall be a maximum of 30 children and 10 staff at the JumpStart space at any one time from 6:00 PM to 7:00 AM, provided that there shall be no use of the outdoor play area after dark.
3. There shall be a maximum of 30 students and four (4) staff at the Teen Renaissance Center space at any one time from 3:00 PM to 10:00 PM.
4. The Family Resource Center shall be used from 9:00 AM to 6:00 PM, and shall also be permitted to operate until 9:00 PM a maximum of three (3) times per week.
5. The Applicant will implement the Traffic Management Plan described on pages 14 and 15 of Tab B2 of its January 31, 2012 pre-hearing submission (Exhibit 29) and pages 1 through 3 of the Applicant's February 10, 2012 submission to DDOT (Exhibit 34), provided that Applicant will amend the pick-up and drop-off peak hour monitoring described on page 1 of the February 10, 2012 submission to DDOT to include two (2) staff or volunteers for such monitoring during the 8:00 AM and 9:00 AM peak hour and 3:00 PM to 4:00 PM peak hour and building staff will have a duty to enforce proper usage of the reserved drop-off/pick-up parking spaces along 15th Street during their reserved times.
6. The Applicant will make best efforts to work with DDOT to locate a bike rack adjacent to the property on 15th Street, if permitted through the historic review process.

VOTE: **5-0-0** (Meridith H. Moldenhauer, Nicole C. Sorg, Lloyd J. Jordan, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning



FINAL DATE OF ORDER: **FEB 27 2012**

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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FEB 27 2012

As Director of the Office of Zoning, I hereby certify and attest that on _____, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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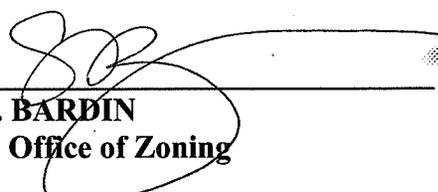
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ATTESTED BY:



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