

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

**Application of Church of the Pilgrims
on Behalf of the School For Friends
2201 P Street, NW
Square 2510, Lot 827**

**BZA Application No.: 18926
Public Hearing Date: February 24, 2015
ANC 2D02**

PREHEARING STATEMENT OF THE APPLICANT

This Application (“Application”) is submitted by the Church of the Pilgrims on behalf of the School of Friends, by its attorneys, Greenstein DeLorme & Luchs, P.C. by John Patrick Brown, Jr. Esquire and Kate M. Olson, Esquire, in support of an application for the special exception described below.

I. NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR Section 3104.1 for a special exception under Section 205 to permit the Church of the Pilgrims (“Church”) on behalf of the School of Friends (hereinafter “Applicant” or “School”) to increase the long standing child development center from 50 to 74 children (ages 12 months to 6 years) and from 12 to 18 staff in a R-3 Zone District located at 2201 P Street, NW (Square 2510, Lot 827) as shown on Exhibit A.

The Church property was first approved by the Board as a “pre-school group” for 50 children in 1964 and this use has been subsequently approved seven (7) additional times, most recently in 2010-2011. The School began operating at the Church property in 1984. The additional children and staff will be accommodated within the existing Church building through the reallocation of interior space between the School and Church operations. There will be no increase in the size of the existing structure, except for the addition of an elevator on the exterior of the building with a footprint of approximately 92 square feet.

No variances are requested in this application and the requested special exception relief fully meets the requirements of the Zoning Regulations.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested relief as a special exception pursuant to 11 DCMR §3104 and in accordance with §205 of the Zoning Regulations.

III. PREVIOUS BZA APPROVALS¹

A “pre-school group” or child development center at the Church property has been approved eight (8) times by the Board since 1964, including:

A. BZA Order No. 8017 (December 22, 1964): The Board approved a pre-school group of approximately 50 children for one (1) year finding that the School will provide a needed service in the community.

B. BZA Order No. 8486 (June 17, 1966): The Board approved continued operation of the pre-school program for approximately 50 children for one (1) year.

C. BZA Order No. 9335 (May 8, 1968): The Board approved continued operation of the pre-school program for approximately 50 children for one (1) year.

D. BZA Order No. 10060 (June 25, 1969): The Board approved continued operation of the pre-school program for five (5) years.

E. BZA Order No. 14172 (November 9, 1984): The Board approved the School’s first application for a child development center for 24 children (ages 2 to 4) with a staff of 5 for two (2) years subject to certain enumerated conditions.

¹ Copies of the BZA Orders are in the record as *Exhibit 6B*. The current Certificate of Occupancy (CO 1100506, dated December 3, 2010) authorizes a “Child Development Center – Ages 2-6, 50 children and 12 staff.” and is in the record as *Exhibit 6C*.

F. BZA Order No. 14518 (January 16, 1987): The Board approved continued operation of the School for a child development center for 24 children with 5 staff for five (5) years subject to certain enumerated conditions, as modified by Order dated April 10, 1987.

G. BZA Order No. 15534 (August 8, 1991): The Board approved by Summary Order the School's application to increase the existing child development center use to not more than 37 children (ages 2 to 5 years) with a staff of 6 to 10 without an expiration date and subject to certain enumerated conditions, including five (5) parking spaces exclusively for the School's use. By Order dated November 22, 1991, the Board reduced the number of required parking spaces from 5 to 4 for the exclusive use of the School.

H. BZA Order No. 18079 (July 20, 2010): The Board by Summary Order approved the School's child development center to increase to 50 children and 12 staff for 10 years and subject to other enumerated conditions. On March 8, 2011, BZA Order No. 18079-A, approved a minor modification to one of the enumerated conditions to require the School to designate an employee to be an on-site traffic-monitoring coordinator.

As modified by BZA Order No. 18079-A, the School currently operates subject to and in compliance with the following conditions:

1. This approval shall be for a term of **TEN (10) YEARS**, beginning on the date upon which the order became final.
2. The Applicant's enrollment shall be limited to 50 children and its staff shall be limited to a maximum of 12 persons.
3. The Applicant's days and hours of operation shall be Monday through Friday, 8:00 a.m. to 6:00 p.m.
4. The Applicant shall provide a "right-turn-only" sign on Florida Avenue.

5. The Applicant shall maintain in good condition the fence around the property and do all that is possible to limit any infringement on neighboring properties.

6. The Applicant shall provide commercial trash and garbage collection.

7. The Applicant shall designate a school employee to be an on-site traffic monitoring coordinator to ensure the safe pick-up and drop-off of children and to resolve any traffic flow issues and concerns, as may be appropriate.

IV. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Church property is located at 2201 P Street, N.W. in the Dupont Circle neighborhood, close to Florida Avenue. The Property is irregularly shaped and abuts Q Street to the north, Florida Avenue and 22nd Street to the east, P Street to the south and an improved 20 foot wide public alley to the west, for a total lot area of approximately 34,850 square feet. See Aerial and Site Photos as Exhibit B. To the west of the Property is Rock Creek Park and the Dupont Circle Metro Station is approximately three (3) blocks to the east.

The Property is improved with a stone church building and an adjoining three-story with basement building which contains the Church offices and the School classrooms and related facilities. The Property contains surface parking for 24 vehicles, including six (6) spaces reserved exclusively for the School's use. The School maintains a 2,000 square foot fenced playground area for use by the children.

V. BACKGROUND OF THE SCHOOL FOR FRIENDS

School for Friends is a preschool offering full day educational programs for two through six year olds, five days a week. The School is open 8 a.m. to 6 p.m. year-round and is closed all federal holidays and one week in August for staff development.

A. History

School for Friends was founded in 1981 by a group of neighborhood families and Quakers committed to providing a high-quality early childhood development program to the community. Since 1984, the School has operated at its current location at the Church of the Pilgrims. For nearly 35 years, the teachers at School for Friends have focused on the values of non-violence and cooperation, and the skills to support those values.

Since its inception, School for Friends has maintained a commitment to ensuring that families from a variety of economic backgrounds are able participate in the School. Each year, an automatic 8% of all tuition income is allocated for financial aid.

The long-term development of the School is supported by its Endowment Fund, which is funded through the generous contributions of alumni parents and other donors.

School for Friends is a 501(c)3 nonprofit child development center licensed by the District of Columbia Department of Health. The School is accredited by the National Association for the Education of Young Children (“NAEYA”).

B. Mission

School for Friends is a preschool that provides a loving, caring, and supportive educational environment for children. The School is committed to maintaining a diverse community of children and families. The curriculum reflects the Quaker values of cooperation, equality, and nonviolence.

The School encourages all aspects of a child's development - social, emotional, physical, and cognitive - in a setting that is safe, warm, and cheerful. The teachers help the children develop positive self-concepts and understand others from different cultural and economic backgrounds. The program is committed to the inclusion of children with special needs.

C. Proposed Operations

The School's proposed expansion is in direct response to the overwhelming demand for preschool education opportunities in this neighborhood, the District of Columbia and the Metropolitan area and the School's well-earned reputation for providing an extraordinary pre-school education. In particular, the increased enrollment is also intended to allow the School to accommodate younger children, beginning at age 12 months to 6 years in response to increasing demand for child development programs for that age group.

The School proposes to continue its current operations, Monday-Friday, 8:00 a.m. to 6:00 p.m. on a year-round basis, but increase the student population from 50 to a maximum of 74 students (ages 12 months to 6 years) and a corresponding increase in staff from 12 to 18. In order to facilitate this measured expansion, the Church and School have planned a reallocation of the space within the three-story church/education building. As shown on the attached floor plans, the additional required classroom and related school space will be reconfigured in coordination with the Church operations. See Plans, attached as Exhibit C. As reconfigured and reallocated, the School and Church will occupy the following space on each floor:

Basement:

Church: 13,672 sf

School: 0 sf

First Floor

Church: 10,147 sf

School: 3,525 sf

Second Floor

Church: 5,819 sf

School: 3,460 sf

The School will continue to use the existing fenced playground area. The existing on-site parking will be available to the School, including the six (6) spaces reserved exclusively for its

use. The existing pick up and drop off program and supervision will be continued and will be able to accommodate the limited number of additional students. The increased level of staff will be easily accommodated by the existing facilities and the strong use of the nearby Dupont Circle Metro Station and other convenient public transportation resources.

D. In Place Relocation During Construction

During the 4 to 6 month construction phase to enlarge and reconfigure the space for the School's increased use, the School proposes to relocate its current operations under BZA Order No. 18079-A (50 children, 12 staff) to alternative space within the existing Church facilities. The temporary swing space for the School will be subject to all applicable licensing, inspection and Certificate of Occupancy requirements. Continuing the School's interim operations on the Church property is important to maintain the continuity of educational activities for the benefit of the children, parents and staff. An off-site relocation would be extremely disruptive to the educational program and an unnecessary financial hardship to the School.

E. Transportation Assessment

As described in more detail in the attached Transportation Assessment, the requested increase in students and staff will have no discernible impact to the traffic demands of the site. See, Exhibit D. The increase in student and faculty/staff caps would increase the number of peak hour trips by just 21 trips during the AM and 19 trips during the PM peak hours. The increase of the child development center from 50 to 74 children and from 12 to 18 staff would require a minimum parking requirement of five (5) spaces. The Property contains surface parking for 24 vehicles, including six (6) spaces reserved exclusively for the School's use. Sufficient parking spaces are available to accommodate the additional parking demand.

VI. THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

Uses that are allowed by special exception are deemed compatible with other uses permitted in the applicable zoning district provided certain requirements are met. In reviewing an application for a special exception under the Zoning Regulations, the discretion of the Board of Zoning Adjustment is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites of the Zoning Regulations are satisfied, the BZA ordinarily must grant the application. See, e.g., Baker's Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth in greater detail below, approval of special exception relief in this case will satisfy the requirements of Section 3104.1 of the Zoning Regulations that require the special exception “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 . . .” In addition, the application complies with the child development center requirements of Section 205 of the Zoning Regulations.

VII. THE APPLICANT MEETS THE SPECIAL EXCEPTION STANDARDS FOR A CHILD DEVELOPMENT CENTER UNDER §205.

Pursuant to Section 3104.1, the School is seeking a special exception under Section 205 of the Zoning Regulations for the continued and increased operation of a child development center in the R-3 Zone District. As proposed the School will fully comply with the enumerated requirements of §205, including:

- **§205.2. The center or facility shall be capable of meeting all applicable code and licensing requirements.**

The School is currently fully licensed by the District of Columbia. The measured expansion has been carefully planned to comply with all applicable code and licensing requirements which will be obtained prior to beginning the new operations.

- **§205.3. The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping of persons in attendance.**

The School's approved system for directing and supervising pick-up and drop-off of children has proven effective and safe and is capable of handling the additional traffic flow.

- **§205.4. The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.**

The School will reserve at least five (5) off-street parking spaces which satisfies the minimum required for 18 staff members. Additional parking is available in the existing Church parking area. The School, its children and parents, staff and visitors are also well-served by the nearby Dupont Circle Metro Station and other public transportation resources.

- **§205.5. The center or facility, including any outdoor play space provided, shall 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.**

The School has been operating at this location using the Church building and outdoor playground for at least 30 years without creating objectionable conditions. The requested increase in children and staff will not create any new objectionable impacts on neighboring properties from noise, activity, visual or other conditions.

- **§205.6. 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 adjacent and nearby properties.**

The School will continue to comply fully with the applicable conditions in BZA Order 18079-A. The requested increase in children and staff does not warrant the imposition of additional conditions.

- **§205.7. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.**

The School will continue to use its fenced in on-site playground which is immediately adjacent to the school building. The School does not regularly use or rely on off-site playground facilities. On special occasions, the children visit Mitchell Park at 23rd and S Street, N.W. and the Rose Park Recreation Center at 2609 Dumbarton Street, N.W.

- **§205.8. The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.**

The School is the only child/elderly development center within 1,000 feet. The impact of the School with the measured increase in children and staff will not create any objectionable conditions.

- **§205.9. Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.**

The Application will be forwarded to the required agencies, each of which have previously reviewed and approved of the School's leadership, operations and educational programs on several occasions.

- **§205.10. The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.**

The School is currently fully licensed by all the required D.C. agencies and fully accredited by NAEYC. The proposed increase in children, staff and facilities was carefully planned to comply with all licensing requirements.

The proposed child development center meets the requirements of Sections 3104 and 205. The establishment of a child development center at the Property is in harmony with the surrounding neighborhood and the general purposes and intent of the Zoning Regulations and Zoning Map, and will not have any adverse impacts on surrounding properties nor the present or future character of the neighborhood.

VIII. COMPLIANCE WITH CURRENT BZA ORDER CONDITIONS

A. The Applicant is in compliance with all of the conditions set forth in BZA Order No. 18079-A as stated below.

1. This approval shall be for a term of **TEN (10) YEARS**, beginning on the date upon which the order became final.
2. The Applicant's enrollment shall be limited to 50 children and its staff shall be limited to a maximum of 12 persons.
3. The Applicant's days and hours of operation shall be Monday through Friday, 8:00 a.m. to 6:00 p.m.
4. The Applicant shall provide a "right-turn-only" sign on Florida Avenue.
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6. The Applicant shall provide commercial trash and garbage collection.
7. The Applicant shall designate a school employee to be an on-site traffic monitoring coordinator to ensure the safe pick-up and drop-off of children and to resolve any traffic flow issues and concerns, as may be appropriate.

B. The Applicant requests continuation of the current conditions

With the exception of increasing the cap of students (ages 12 months to 6 years) and faculty (the above Condition No. 2), the Applicant requests the adoption of the current conditions

and asks that the Board's approval be granted for at least ten (10) years. Additionally, the School requests the Board's inclusion of a condition authorizing interim relocation of the operations to swing space within the Church property during construction.

IX. COMMUNITY OUTREACH

A. ANC 2D (The Project is within the boundaries of this ANC)

The Applicant presented before ANC 2D on January 12th and the ANC voted in favor of the Project (and noted it would submit a report, reflecting this vote, into the case record).

B. ANC 2B (The Project borders this ANC)

The Applicant presented before ANC 2B's Zoning Committee on February 4th. The Zoning Committee voted to recommend that the full ANC support the Project. The Applicant will attend ANC 2B's meeting on February 11th.

X. WITNESSES EXPECTED TO TESTIFY

Applicant's Representative: **Jim Clay**, Director, School for Friends

Architect's Representative: **Will Couch**, AIA, Foundry Architects

Transportation Consultant's Representative: **Jami Milanovich**, P.E., Wells + Associates

XI. EXHIBITS

Exhibit A: Zone Map.

Exhibit B: Aerial and Site Photographs.

Exhibit C: Floor Plans.

Exhibit D: Transportation Assessment.

Exhibit E: Outlines of Testimony.

Exhibit F: Expert Witness Resumes.

XII. CONCLUSION

For the above reasons, this application meets the criteria set forth in §205 for a special exception approval for the continued use of a child development center with a measured increase to 74 children (ages 12 months to 6 years) and 18 staff and is in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect neighboring property. The School respectfully requests the Board of Zoning Adjustment approve this Application.

Respectfully submitted,

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