BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Re: Pre-hearing Statement of the Kingsbury Center in Support of its BZA Application No. 16569; Application for Special Exception Approval to Establish School at 5000 14th Street, N.W. (Square 2711, Lot 802)

I. Nature of Relief Sought

This prehearing statement is in support of an application for special exception relief approval to establish a private school to be operated by The Kingsbury Center at 5000 14th Street, N.W. (Square 2711, Lot 802). The subject property is located in an R-1-B/D district.

II. Jurisdiction of the Board

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the relief requested pursuant to Sections 205 and 3104 of the Zoning Regulations.

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DISTRICT OF COLUMBIA

III. The Subject Property

A. Property Location and Description

The property which is the subject of this Application is located at 5000 14th Street, N. W. It is located on the west side of 14th Street, N.W. between Emerson and Gallatin Streets, N.W. and is improved with a three-story building, known as Dickson Mansion, which contains approximately 57,483 square feet. The lot is very large - containing 3.97 acres.

The property has been on the market for 7-8 years and it is substantially vacant at this time and in a state of disrepair. A previous contract to purchase the property and use it for a

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managed care facility failed, after the contract purchaser tried, unsuccessfully, for at least two years to obtain a Certificate of Need for that use.

B. Area Surrounding the Property

Surrounding the property are largely institutional and residential buildings. Directly on the north is St. Lukes Baptist Church. To the northeast is the Mt. Zion Baptist Church. East of the property is the West Elementary School and to the southwest is a facility owned by the Dominican Nuns. The remainder of the buildings are residential.

C. Zoning and Land Use History

The area is zoned R-1-B/D (Diplomatic Overlay). The building was built around 1913 as a private residence. For many years, it was used by the Army-Navy Club for an assisted living facility. Most recently it was the home of the World Plan Executive Council, Inc. which obtained a Certificate of Occupancy in 1981 for an eleemosynary institution. This use consisted of office, residential, educational and meditation uses. It was known as the Maharishi College of Natural Law.

IV. The Applicant

A. Historical Background

The Kingsbury Center is the oldest nonprofit educational institution in the Washington area that addresses the special needs of young children, adolescents, and adults who experience learning difficulties. Founded in 1938 by Marion Kingsbury, a pioneer in remedial education, the Center provides educational, diagnostic, psychological, consultative, and tutoring services to

nearly 1,000 individuals each year through the Kingsbury Day School (KDS) and two ancillary divisions: (1) Diagnostic and Psychological Services; and (2) Tutoring Services.

Kingsbury has moved twice in its 60-year history to accommodate the growing number of children who it serves. At present, Kingsbury occupies three converted townhouses in the Sheridan-Kalorama section of Washington, DC. KDS is housed in two small, connected row houses on Phelps Place, (1807-1809 Phelps Place, N. W.). The Tutoring and Diagnostic and Psychological Services divisions, and Center's administrative offices (approximately 15% of square footage) are located around the corner in a single larger building on Bancroft Place (2138 Bancroft Place, N.W.). Space is extremely cramped and there is no outdoor play area onsite. Further, off-street parking is severely limited. These deficiencies associated with the current location have severely hindered Kingsbury's ability to grow and expand commensurate with the rapidly increasing demand for its services.

Kingsbury has been looking for an appropriate, affordable new location for over three years. The option of expanding at its current location, by acquiring new buildings, was also been examined. This option was ruled out, however, because the high density residential buildings in the area do not lend themselves to school use without resulting in adverse impacts on neighboring residential uses.

B. Kingsbury Mission and Program Overview

The goal of Kingsbury Day School is to provide an appropriate and stimulating academic program for children with learning difficulties that assists them in learning compensatory skills to enable them to function independently and effectively in elementary and secondary school and college. Currently KDS enrolls 100 students ages five to 14 of average or above-average

cognitive ability with learning disabilities and helps them to reach their potential in an academic setting. The KDS curriculum integrates a low student-teacher ratio (eight students and two teachers per class); one-on-one and group work; multisensory teaching; a full complement of co-curricular classes, including art, music, drama, and physical education (some of which take place in nearby off-site locations due to space limitations); and related services, when needed, such as occupational therapy, speech and language re-mediation, and psychotherapy.

KDS is supported by the Tutoring Services division which trains its own special tutors to work with children and adolescents with learning difficulties. They also tutor children who are not currently enrolled at KDS. Kingsbury's Diagnostic and Psychological Services division administers diagnostic tests and provides therapy for KDS children and others referred to the Center because they appear to have learning or attentional difficulties.

C. Kingsbury Public Service Activities

In the District of Columbia community, Kingsbury has played a leadership role in developing and operating programs for "at-risk" children and adolescents, as well as providing enrichment programs for professionals and parents involved with these children. Kingsbury has developed the "Teachers and Tutors" program to increase the effectiveness of teachers in educating mainstreamed students with learning difficulties in selected DC Public Schools, including Brightwood, Garrison, Martin Luther King, and Cleveland Elementary Schools. The program provides these D.C. public school teachers with specialized training.

Whenever possible, Kingsbury has also provided tutoring, testing, diagnostic, and therapeutic psychological services at little or no cost to economically disadvantaged children and adults. This service is supported financially, in part, by local and national foundations and

organizations. During 1998-99 over $82,000 in grants and internal funding supported the Center's program of testing and tutoring for economically disadvantaged children. This figure includes the Center's waiver of more than $9,000 in admissions testing fees for children applying to independent schools. In addition, many generous volunteer tutors and other Kingsbury professionals give of their time freely or at greatly reduced fees with children from economically disadvantaged families.

Kingsbury also offers community education in child development and learning disabilities through The Kingsbury Lecture Series and The Kingsbury Symposium. Since 1988, The Kingsbury Center has offered daylong annual symposia for teachers, other professionals, and parents on topics related to learning disabilities such as learning strategies, ADD/ADHD, types of intelligence, and self-esteem. The Symposium is open to the public.

D. KDS Student Population Profile

Kingsbury Day School currently enrolls 100 students of whom 69% are male and 31% female. Further, 47% of KDS's students are Caucasian, 46% are African-American, 5% are Latino/Hispanic, 1% are Asian-American, and 1% are multi-racial. Geographically 82% of KDS's students are from the District of Columbia, 15% from Maryland, and 3% from Virginia.

E. Kingsbury Financial Aid Program

All students in attendance at Kingsbury Day School are eligible for tuition and fees for related services **at no cost to parents** in accordance with the federal Individuals with Disabilities Education Act (IDEA). Under this law, the local public school system must pay the costs of the disabled child's education if that public school system cannot provide the appropriate services to

which the child is entitled. Children are thus eligible for funding based on their disability **only**, not on the student's socio-economic background or race. Therefore, the School does not obtain financial information from a family. When a family expresses an interest in applying to Kingsbury, the family is immediately provided with information about how to seek funding from its local school system. Kingsbury provides assistance to and works closely with the family to ensure that the process follows through to a reasonable conclusion.

Eighty-eight (88) of the 100 children currently enrolled at KDS have obtained funding through their respective public school districts. Some families choose to pay the tuition privately.

F. Kingsbury's Relocation Objectives and Efforts

Kingsbury's ability to grow has been severely limited by the physical limitations of its existing facilities. Each year for the last five, the increased demand for enrollment at KDS has resulted in more and more creative attempts to carve additional classroom space out of its existing facilities. As a result, the classrooms have become increasingly crowded and the Center's programmatic and administrative offices have been squeezed to the limit. Similarly, families seeking diagnostic and remediation services are experiencing several months' wait because there is no room to hire additional staff.

Architectural evaluations over the last few years have repeatedly confirmed that the existing buildings are at the end of their useful life and that even major renovations would not yield sufficient additional space to permit significant expansion.

Therefore, in the fall of 1997, after diligent study of the matter, Kingsbury's Board resolved to move forward with the search for new facilities. The three buildings owned by

Kingsbury were put on the market, and the search for new space began. Parents and staff were assured that every effort would be made to find a building that offers: 1) ample green space so that the children can play on the premises (instead of walking a block to the local park); 2) adequate parking; and 3) a central location in the District of Columbia.

G. Public Need and Justification for an Enlarged Kingsbury Day School and Center

An enlarged KDS Kingsbury Center will fill a desperate need in the District of Columbia and surrounding jurisdictions. Many more students in D. C. alone are learning disabled (an estimated 1 in 5 children) than can be properly served in the existing special education schools. The following are statistics relative to D. C. Public Schools which demonstrate the need:

Statistics on DCPS

1996/97 (Source: Washington Post articles)

Total School Population	75,000
Special Ed Population	7, 430
Learning Disabled - Identified	3, 602

1999 - (Sources: DCPS, Office of Special Ed; Washington Post; C. Cortiella)

Total School Population	71,000
Special Ed. Population	10,403
Learning Disabled - Identified (est.)	5,305

Only one school in the DCPS system, the Prospect Learning Center, is currently devoted to special education. It accommodates only 150 children. The Lab School of Washington, the only independent school for learning disabled children in the District, has an average of nine applicants for each available space in its K to 12 school. The elementary and middle school

grades experience the largest influx of applicants (reaching 10 to 13 applicants per space in some grades), while the high school follows closely behind.

Two schools in Maryland also have programs for learning disabled children. Chelsea, in Silver Spring, is fully dedicated to learning disabled children in grades 5-12. At grades 5 and 6, there is no waiting list. In grades 7, 8, and 9, for which there is the largest number of applicants, at each grade there are approximately five applications per each available space. For grades 10-12, there is no waiting list. At the McLean School of Maryland in Potomac (grades K-9 and expanding upward), there is a regular mainstream track and a track for "at-risk" children and for those with minimal learning disabilities. In the middle school (data are not available for earlier grades), there is a waiting list of 12-15 students at each of grades 5, 6, and 7, with only 3 to 4 openings in the three grades combined.

The same shortage of spaces for learning disabled children is also evident at Kingsbury Day School. The rate of applications to Kingsbury Day School has grown steadily since 1994. Since the 1996-97 school year, Kingsbury has been able to replace its average 15 students who "age out" of the program plus increase student enrollment from the existing applicant pool and still have a year-round waiting list. The chart shows the number of completed applications that the school has received for four admissions seasons, including the current one, and the resulting acceptances and waitlist numbers:

4 Year Comparative Application History

	1997-98	1998-99	1999-00	2000-01 (Through 3/25/00)
Completed Applications	30	76	63	43
Admitted Students	10 (33-1/3%)	29 (38%)	23 (37%)	6
Year-Round Wait List	10 (33-1/3%)	30 (39%)	20 (32%)	

The school director moves completed applications to the wait list once all spaces are filled and may discourage submission of an application if the applicant is not interested in the wait list. (The spike in applicants for 1998-99 resulted from federal monitors requiring DCPS to demonstrate a willingness or ability to place learning disabled children whom they could not serve).

V. The Proposed Use

A. Selection of the Dickson Mansion -- Implementation of Kingsbury's Concept for Growth

With over 57,000 square feet of space on nearly four acres of land, the size and the configuration of space in the Dickson Mansion make it ideally suited to further Kingsbury's growth and diversification objectives. Just off 16th Street across from Carter Barron, it is also centrally and conveniently located in the District of Columbia.

While KDS's enrollment is 100 today, KDS projects growth to 266 students by fiscal 2007 and to a maximum 300 within the subsequent three years.[1] Kingsbury's concept for growth also includes diversification in its program. Last year (1998-1999), in response to numerous requests from families in the area and to the fact that Kingsbury's own students who were aging out of the Day School had nowhere to go, Kingsbury expanded its curriculum to the Middle School level is indicated above. Within the metropolitan area, there are only three other schools (two of which are in Maryland), with programs for older elementary, middle, and high school

[1] **Kingsbury is hereby amending and reducing its request for a maximum enrollment of 400 students to 300 students.**

learning disabled children, and these have waiting lists to get in (just as Kingsbury does for the grades it offers).

In anticipation of a move to larger facilities, Kingsbury will continue to expand the middle school program. Following relocation to the Dickson Mansion, Kingsbury will also begin a high school program, with its own students who have reached that grade and others who are aging out of other programs or seeking a more suitable placement.

Kingsbury also plans to diversify its program by offering a new curriculum for intelligent students who have learning or attentional difficulties, but who have not been diagnosed with a learning disability. This program is comparable academically to those found in mainstream schools but takes place in very small classes and focuses on helping such students develop strategies for learning that will enhance their performance. The program will also be crafted to serve students identified as gifted or talented students with learning difficulties.

Further, the proposed move to Dickson Mansion will also allow Kingsbury's Diagnostic and Psychological Services and Tutoring Services divisions to expand and accommodate growing requests for their services. Finally, the site will also comfortably house the administrative infrastructure for all of Kingsbury's programs. As a result, Kingsbury will be able to maintain and further develop its team approach to the delivery of services. Clients can continue to come to one place to receive psycho-educational evaluations and therapy; speech and language as well as occupational therapy evaluations; consultation with a medical doctor for possible treatment of difficulties; and therapists and tutors to provide treatment and remediation of diagnosed difficulties.

Moreover, the purchase and renovation of the Dickson Mansion will enable Kingsbury to remain in the District of Columbia and conveniently serve the D. C. community.

B. Proposed Renovations and Site Alterations to Dickson Mansion

The architectural firm of Bowie Gridley Architects has been retained by the Applicant to study the site and adapt it for Kingsbury's use. They have determined that only minimal changes to the subject property will be required for Kingsbury's use. These include renovations to the roof, windows and the exterior of the building and some reconfiguration of the building interior. Upon renovation, the new building will have adequate: class and resource rooms; one-way observation rooms; art, music, and computer rooms; a library; a multi-purpose room for physical education, school plays, staff meetings, receptions; science lab; kitchen; faculty lounge; and a playground and playing field. The facility also will be fully ADA compliant, including an outdoor ramp to the entrance and an interior elevator. Enlarged paved driveway and parking areas will safely permit the drop-off and pick-up of children and accommodate staff and visitor parking needs. Finally, a new fire sprinkler system, security system, and exterior lighting will ensure the safety and security of people and property.

A site plan of the subject property depicting the location and entrances to the Dickson Mansion, two new proposed play areas and the proposed parking and driveway areas is attached hereto. (The attached site plan updates the previous site plan submitted with the application. The proposed gym building depicted on the previous site plan has been deleted as the construction of this facility is not funded at this time).

C. Proposed Enrollment Level at the Subject Property

The applicant is requesting approval for a maximum of 300 students and 138 (full-time equivalent) staff. Student enrollment and staff increases will ramp up gradually. The projected enrollment for 2000-2001 at Kingsbury Day School is expected to be 120 students. Upon

relocation to the subject property, enrollment will continue to increase, reaching 266 students by 2007, and 300 students by 2010.

D. Proposed Parking and Circulation Plan

The applicant has retained Grove/Slade Associates, Inc. to develop a traffic and parking plan for the new site which will minimize adverse traffic impacts on the surrounding neighborhood. All four, existing access points to the site (two on 14th street and two on Piney Branch Road) will be utilized to disperse traffic entering and exiting the site so that the traffic impacts are not concentrated in any particular direction. Traffic associated with Kingsbury is likely to be substantially reduced as compared to a typical independent school because many of the students are transported to school via public school buses. Further, all of the vehicles associated with the drop off and pick up of students can be accommodated on site. Finally, adequate parking, in excess of the number of spaces required under the Zoning Regulations. A detailed description of the transportation plan and impacts analysis are provided in a report prepared by Grove/Slade which is attached hereto.

VI. Reasons in Support of the Application for Special Exception

A. Compliance with D.C. Zoning Regulations

The applicant satisfies the legal criteria for granting this special exception. It is not uncommon for estates of this type to be utilized for schools. In fact, institutional uses which ensure the preservation of such estates is encouraged in the Zoning Regulations (§ 217). The proposed school use will be in harmony with the general purpose and intent of the Zoning

Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

B. No Adverse Effects

The house, popularly known as the Dixon Mansion, has been in existence for nearly 87 years. The architecture and siting of the building is a neighborhood asset but an appropriate, compatible use for the building h as not been established since the Army-Navy Club, assisted living facility for men, was discontinued in. The proposed use for the Kingsbury Center will retain the architectural integrity of the building and is not likely to have any adverse effects. The site is very large and can amply accommodate the educational, recreational and parking needs of the proposed school without adversely impacting nearby uses.

VII. Compliance With The Comprehensive Plan

A. Appropriate Use

The proposed school and ancillary services is an appropriate use in a residential neighborhood. It is permitted in the Zoning Regulations as a compatible use, with BZA approval.

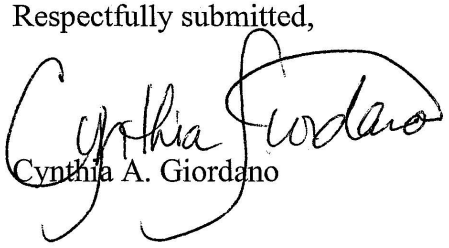
B. Historic Preservation

Historic Preservation regulations and laws do not apply to this site. The building is neither a designated landmark nor located in a historic district.

VIII. Conclusion

In conclusion, the application of the Kingsbury Center should be approved. The use for a school is consistent with the existing institutional and residential uses in the area. The Kingsbury Center provides important services to the City and its expansion should be facilitated by granting the requested special exception.

Respectfully submitted,



Cynthia A. Giordano

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