GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman

**DATE:** September 24, 2002

**SUBJECT:** BZA Application No. 16915 - Special Exception Request (The Montessori School) 2828 Hurst Terrace, N.W., Square 1420, Lot 12.

## APPLICATION

This application filed by The Montessori School requests a special exception pursuant to 11 DCMR 3104.1 and Section 205, to continue the operation of a child development center for 23 children ages 2 to 4 years, in the R-1-B District.

## RECOMMENDATION IN BRIEF

The applicant, Barbara Allan, (owner and operator of The Montessori School) is seeking renewed Board approval of a special exception to continue operating a child development center in the R-1-B zone district. The Office of Planning recommends **Approval** of the special exception with the following condition:

- Approval is for a period of 7-years.

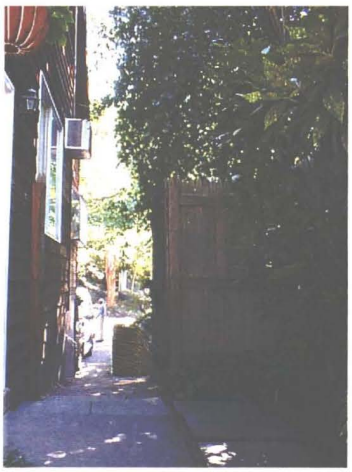
## SITE AND AREA DESCRIPTION

The subject property is in the Palisades Neighborhood of Ward 3, located at 2828 Hurst Terrace, N.W (Square 1420, Lot 12). It is on the west side of Hurst Terrace, between Garfield and Fulton Streets. Hurst Terrace is one block east of Arizona Avenue to the west and less than two blocks to the south of Macarthur Boulevard. The property is developed with a two-story detached residential structure with basement. The dwelling was built in 1937 on a 9,912 square foot lot. The lot is extremely deep, 158.36 feet on the north side and 196.61 feet on the south side. The width of the lot increases in size from fifty feet in the front to 72.87 feet in the back. The rear yard provides a sizable secluded outdoor recreation space for the children that attend the subject school.

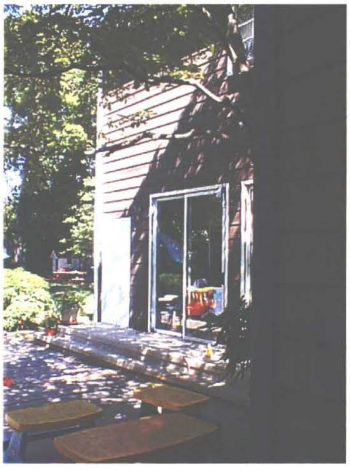
BZA
Case No. 16915
Exhibit No. 82

Board of Zoning Adjustment
District of Columbia
CASE NO.16915
EXHIBIT NO.82

The subject area is predominantly developed with single–family detached dwellings. There is a low-density commercial area less than two blocks to the south, along both sides of Macarthur Boulevard, east of Arizona Avenue and west of Dana Place. The Francis Scott Key Elementary School, located just south of the subject site, between Hurst Terrace and Dana Place, is a major land user in the subject area.



*Walk to rear yard/play area.*



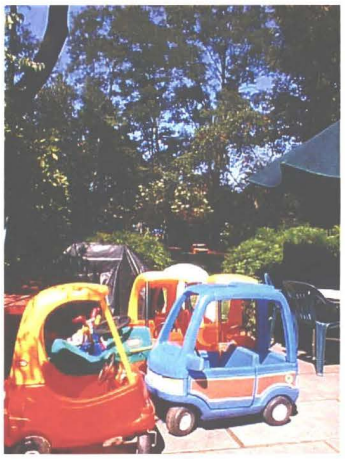
*Rear entrance to the play area*



*Interior of childcare center.*



*The play area*



*Rear yard parking provisions.*




Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16915

DC Office of Planning
September 10, 2002

Scale 1:1860

25 0 25 50 75 100 Feet

Attachment 1

## PROPOSAL

The applicant proposes to continue to operate a child development center for 23 children, ages 2 to 4 years of age, and three staff/faculty, on the first floor of the private dwelling.

## ZONING REQUIREMENTS

The subject site is in the R-1-B District. Child development centers are permitted as a special exception use in the R-1 District, if they can meet the requirements in Section 205 of the Zoning Regulations. Special exception uses are uses considered compatible with the underlining uses in a particular zone district, but which must be reviewed by the Board of Zoning Adjustment to ensure that negative impacts do not occur.

## HISTORY OF PROPERTY

The subject property was developed in 1937 with a single-family detached house. The first application to establish a child development center at the subject site was submitted by the parent of the current owner of the property. (BZA Application No. 14121) The applicant proposed to erect a 60 square feet, one-story rear addition, to accommodate the child development center currently at the rear of the dwelling. Advisory Neighborhood Commission 3D (ANC) and the Palisades Citizens Association (PCA) supported the application and cited the applicant as a long time resident of the area, the compatibility of the location of the proposed center across from the Key School, the availability of parking and drop-off space, and the limited hours of operation (9:30 am to 12:30pm weekdays) as reasons for their support. With consideration of the recommendations of the ANC and PCA, the Board approved the application with the following conditions:

1. Approval was for a period of three years from the date of the order. (June 7, 1984)

2. Operation of the facility was limited to Barbara Schriever Estes.

3. Enrollment was limited to a maximum of twenty children.

4. The maximum number of employees was not to exceed three, consisting of one teacher and two aides.

5. The hours of operation were from 9:30 A.M. to 12:30 P.M., Monday through Friday, during the months of September through May.
   (See attachment No. 1, BZA Order 14121)

In 1987, BZA Order 14121 expired and on July 29, 1987, the Board held a hearing to consider BZA Application No. 14646 of B.A and Barbara Schriever Allan, to continue use as a child development center. All of the conditions subject to the previous Order 14121 were to remain in effect, and two new conditions were added. They were (1) approval for five years from the expiration of the previous approval, namely until June 7, 1992; and (2) a staff person was

required to assist in the discharging and pick-up of children to the facility by escorting the children to and from vehicles and the facility. ANC 3D submitted a letter, dated July 21, 1987, indicating that the Commission had voted unanimously to support the granting of the application. There was no opposition to the application at the public hearing or on record. OP, by memorandum dated July 21, 1987, recommended that the application be approved for a period of three to five years with the same conditions as imposed by BZA Order No. 14121. The Board concurred with the recommendation of OP. The Department of Public Works, by memorandum dated July 8, 1987, indicated that it had no objections to the continued operation of the facility subject to the condition that a staff person aid in the discharge and pick-up of children. The Board concurred with the recommendation of the Department of Public Works. The Board approved the application for five years, until June 7, 1992. (See attachment No.2 BZA Order No14646)

On September 30, 1992, the Board held a hearing to consider BZA Application No. 15713 submitted by B.A. and Barbara Schriever Allan, to continue to operate and increase the number of children in a child development center from 20 to 23. ANC 3D submitted written issues and concerns in support of the application. The Board granted the application subject to conditions. Three of the conditions in the previously approved 1987 Order were either changed or eliminated. Namely:

(1) Approval was for ten (10) years;
(2) The reference to the operation of the center being limited to the personage of Barbara Schriver Allan was eliminated.
(3) The number of children enrolled in the center was increased from twenty to twenty-three.

All other conditions in the previous two Orders remained in effect. (See attachment No. 3 BZA Order No. 15713)

**ANALYSIS**

Barbara Allan is the current owner of the property at 2828 Hurst Terrace, N.W., and has operated a child development center (The Montessori School) at the site for the past 18 years. The BZA has approved two previous special exception requests since the original granting in 1984. All of the relevant facts regarding the school that were approved by the Board ten years ago in 1992 are basically the same, with the exception of the applicant is adding a prospective new owner's name (Christine Lonergan) to the application. Ms. Allan plans to retire in the next few years and transition the dwelling and the school to Ms. Lonergan. Ms. Lonergan currently live in the Palisades community and has taught at the Key School, (which is across Hurst Terrace from the subject site) for the past ten years. Ms. Allan anticipates that Ms. Lonergan's connection to the local community, her familiarity with the Montessori School concept, and her relationship with many of the parents and children in the community in her role as a local teacher, will enable Ms. Lonergan to continue the high educational standards already established by Ms. Allan.

The Montessori School is a community institution, in that the school has served as the pre-school destination for many the families in the immediate neighborhood of Hurst Terrace, Dana Place, Fulton Street, Eskridge Terrace, University Terrace and Garfield Avenue, as well as hundreds of children in the larger Palisades community. Although children who reside in the local community get first preference regarding enrollment, the popularity of the subject school has attracted children from a boarder area. This boarder appeal of the school is a point of contention for some of the neighbors that are concerned about the impact on the neighborhood as it relates to traffic congestion/circulation, parking conflicts and the affects of increased vehicular activity on the normal quite character on Hurst Terrace.

**Impact on Adjacent Residences**

In an attempt to alleviate neighbors concerns regarding traffic congestion, the applicant has worked closely with the Metropolitan Police Department, Key School officials, neighbors, traffic experts and others to address the issues. The applicant has adopted a "short time frame plan", for drop-off and pick-up, to be used by parents who drive their children to and from the facility.

(1) Parents have been notified that at no time can more than four vehicles line up in front of the center at one time. Any additional vehicle must circle the block until one or more of the four vehicles being served depart the area.
(2) Drivers must remain in their vehicles at all times during drop-off or pick-up times.

Center staff is assigned to shuttle the children into and out of their vehicles in order to expedite the process. The applicant estimates that the total time required to process a child to or from a vehicle is 20 seconds. The designated drop-off and pick-up area is in front of the subject property and does not impinge on neighboring property. The applicant has provided the detailed arrival and dismissal procedures to all parents to remind them of this protocol. The drop-off and pick-up areas have been designed to ensure the safety of children attending the school and to minimize traffic congestion on Hurst Terrace associated with the subject school. (See attachment No. 4 arrival and dismissal plan)

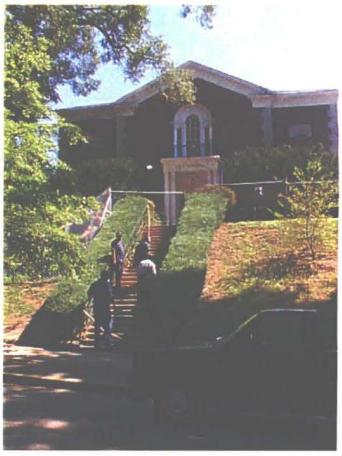
**Traffic**

It is the position of the applicant, that much of the current transportation/circulation disruption on Hurst Terrace is a function of construction and renovation taking place at the Francis Scott Key Elementary School. There are large construction supply bins on Hurst Terrace, in front of Key school, which in conjunction with on-street parking reduce the traffic flow to one lane. This is because the supply bins block one lane of traffic.



*Construction supply bins, back of Key School no Hurst Terrace.*

The overall impact of the traffic predicament associated with Key School traffic, coupled with the arrival and departure patterns of parents' dropping-off or picking-up children at the subject school, could give the impression to neighbors that the subject school is the cause of the traffic problems. The original Key School building, which fronts on Hurst Terrace, is being renovated and a new building, fronting on Elkridge Terrace, has been completed. Further, Key school has not historically had parking on its grounds for staff parking. Consequently, school staff was relegated to park on the west side of Hurst Terrace, at the south end of the block. Additionally, D.C. Public School busses that served Key School used Hurst Terrace. Because the new school fronts on Eskridge Terrace, school bus traffic will be moved to Eskridge Terrace.



*Old Key School, fronting Hurst Terrace under renovation.*

Many of the traffic issues on Hurst Terrace will be greatly diminished when the construction project at Key School is completed. This Capital Project will help to minimize the parking/circulation problems on Hurst Terrace. The new facility is operational but external features, including a 26-space parking lot are yet to be completed. It is anticipated that the external improvements will be finished by October 2002. The planned parking lot will be large enough to accommodate the school's 14 teachers/administrators and 12 support staff.



*New Key School, fronting Eskridge Terrace.*

## COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area in the Low Density Residential Land Use Category. Single-family attached and detached housing is the predominant use. The Comprehensive Plan Policies in support of Public Action Objective in Section 209.2 (k) recommends:

> **"Facilitate the establishment of new and the expansion of existing child-care facilities in residential, commercial, and mixed use areas."**

The Comprehensive Plan Policies in Support of Residential Neighborhoods Objective in Section 1104.1 (k) recommends:

> **"Control the external negative impact of new non-residential uses that are permitted in residential areas to provide sufficient parking, loading areas,**

**pick-up and drop-off access consistent with the activity level of the non-residential uses. With respect to permitted non-residential uses, including schools, hospitals, churches, and clinics, this policy is designated to reduce the possible adverse impact of the non-residential uses on residential areas."**

It should be noted that the Comprehensive Plan recommends that permitted institutions uses should mitigate negative impacts they may have on residential uses, but does not prohibit schools in low density residential areas.

## ZONING REQUIREMENTS

The subject site is in the R-1-B District and Section 205 of the zoning regulations allow child development center in the R-1B district if approved by the Board of zoning Adjustment. It is subject to the following provisions as outlined below:

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

The Department of Health, (DHS) Licensing Regulation Administration, and Human Services Division has officially inspected the subject school facility. DCRA has licensed the center to operate until June 2003. The facility does comply with the BOCA Code and is ADA compliant.

**205.3 The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children or elderly persons**.



*Pick-up and drop-off area.*

The Board of Zoning Adjustment has approved the subject school on three separate occasions (1984, 87, and 92). The location and the design of the school have not changed over its 18-year lifespan and no changes are now proposed. In regards to the provisions for picking up and dropping off of children at the school, the applicant has adopted a "short time frame plan", for drop-off and pick-up, to be used by parents who drive their children to and from the facility. The applicant has provided the detailed arrival and dismissal procedures to all parents to remind them of this protocol. Additionally, in an attempt to alleviate neighbors concerns regarding traffic congestion

caused by the subject school, the applicant has worked closely with MPD, Key School Officials, neighbors, traffic experts and other to address concerns. The attached Arrival and Dismissal Plan for the Montessori School and the Key School Drop-off and Pick-up and Parking Guidelines, are documents that are anticipated to help solve traffic issues.

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

Section 2101.1 of the Zoning Regulations requires 1 parking space for each 4 teachers and other employees. However, the subject school has 3 employees. The applicant does provide one on-site parking spaces for staff. When the construction project with the new parking lot is completed at Key Elementary School, there will be adequate on street parking available on the public space for additional staff parking.

**205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact or nearby properties due to noise or activity, or other objectionable conditions.**

The subject center does have large secluded, fenced enclosed outside play area to the rear of the center. This space is designed so that there will be no objectionable impact on nearby properties due to noise or activity, or other objectionable conditions. The play area is located at the rear of the property, no changes are proposed. During the eighteen-year history of the school, there have not been objections from neighboring property owner, regarding noise or other negative activities.

**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 shall deem necessary to protect adjacent and nearby properties.**

The subject child development center is designed and screened in a manner that protects adjacent nearby properties. Most of the program activities associated with the subject school takes place inside of the facility, in a specially designed 60 square foot room to the rear of the first floor. When students are outside, the property has a very deep rear yard that is secluded and fenced in from the dwellings on both sides. The property gradually rises from front to back, behind a wooden security gate at the entrance to the rear yard, which blocks the visibility and buffers noise when children are participating in outside recreation activities.

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

All of the outside play areas associated with the subject child development center take place on site, in a secluded rear yard. There is no off-site play area. Children are on site at all times.

**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 effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.**

There is no other child development center on the same square or within 1,000 feet of the subject property.

**Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board, those special exceptions will 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.**

If the Board were to grant the requested special exception, it will 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. This Montessori School has existed at 2828 Hurst Terrace since 1984. Child development centers are a permitted use in the R-1 district, if approved by the Board, and the Board has provided special exception relief for the subject school on three different occasions (1984, 87, and 92). The subject school fulfills the intent of the Zoning Regulations and Zoning Map and is a compatible use to areas zoned for one-family dwellings. As referenced above, the applicant has initiated actions to minimize traffic impacts on Hurst Terrace and the reconfiguration and different orientation of the Key Elementary School traffic from Hurst Terrace to Eskridge Terrace will serve to alleviate much of the traffic congestion on Hurst Terrace.

## COMMUNITY COMMENTS

The project was presented to ANC 3D on September 3, 2002. With a quorum present, ANC 3D voted unanimously to support the project with the following condition:

If the Board were to grant the requested special exception, approval should be for a period of five years.

### District Division of Transportation (DDOT)

DDOT had no objection to the application, citing: "The proposed continuation of the subject site as a child development center will not have negative impact on parking supply in the immediate community, or create dangerous or objectionable traffic conditions. In the case of special events where parents may want to attend, for example graduation, the applicant should make arrangements with parents, caregivers, and neighbors to minimize any potential conflict in the community. Accordingly, DDOT has no objections to the application.

## OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Barbara Allan, requesting a special exception to permit a child development center, with up to 23students in a R-1-B district, the Office of Planning recommends that the Board **approve** the application. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 205 and concluded the application will 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.

The Board approved the center on three previous occasions; the most recent approval was for a period of ten years, starting on October 26, 1992 (BZA Order 15713). All of the relevant facts of the referenced previous Board approved application are the same, including the enrollment will be limited to 23 children between 2 and 4 years, staff will continue to be limited to 3 employees, the center will operate 5 days a week, between the hours of 9:30 am to 12:30 pm and the center will be open from September through May. The only change on the present application is the addition of Christine Lonergan's name as the incoming new owner. Mrs. Allan plans to retire in a few years and transition the dwelling and the school to Ms Lonergan. Some of the immediate neighbors on Hurst Terrace have express opposition to the granting of the requested special exception. Their concerns include traffic circulation, parking conflicts, traffic congestion and the addition of a prospective new owner's name to the application.