STATEMENT IN SUPPORT OF
APPLICATION BY JENNY WAELDER HALL
CENTER FOR CHILDREN, INC.
FOR A CHILD DEVELOPMENT CENTER
AT 3150 CHESAPEAKE STREET, N.W.

November 4, 2003

I. Nature of Relief Sought

This is an application by the Jenny Waelder Hall Center for Children, Inc. (the "Center," the "Applicant") for a special exception to operate a nursery school/child development center for 10 to 20 children at the Capitol Memorial Church of Seventh-Day Adventists, 3150 Chesapeake Street, N.W. (Lot 836 in Square 2263, the "Church"). The subject property is zoned R-1-A.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment ("BZA") has jurisdiction to grant the relief requested pursuant to § 3104 of the Zoning Regulations.

III. Description of the Subject Property and Vicinity

The Capitol Memorial Church of Seventh-Day Adventists is a medium to large sized church building (approximately 42,338 square feet of gross floor area) of traditional, stone construction, situated on a large lot of 54,000 square feet (1.24 acres), at 3150 Chesapeake Street, N.W. The property is in the Forest Hills neighborhood and is within the boundaries of Advisory Neighborhood Commission ("ANC") 3F. The neighborhood is a quiet, low-density area of predominantly detached single-family homes. A long block to the west of the property is Connecticut Avenue, both frontages

BZA
Case No. 17105
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17105
EXHIBIT NO. 4

of which are zoned R-5-D and developed with high-rise apartment buildings on large sites.

Immediately to the west of the Church is the Forest Hills Playground, which has a large ball field as well as playground equipment. To the north, south and east are detached houses in the R-1-A District. On the subject square the only improvements other than the Church are two detached houses situated between the Church and 31st Street. See the *Site Location and Context Map* in ***Exhibit A***, the *Existing Zoning Map* in ***Exhibit B*** and the photographs of the Church and its immediate environs in ***Exhibit C***.

IV. The Proposed Use

The Jenny Waelder Hall Center for Children, Inc. is a tax-exempt 501(c)(3) organization, incorporated in Maryland and in good standing in the District of Columbia, and affiliated with the Baltimore-Washington Institute for Psychoanalysis, Inc. The Center's mission is to create a small, high-quality nursery school program for 8-12 children, ages 3 to 5, who face social, emotional, and psychological challenges and whose needs cannot be met in a typical preschool setting. The program provides carefully planned play and learning activities to promote and restore healthy social, emotional and psychological development while supporting physical and cognitive growth. Parental education, guidance and support are an integral part of the program as well. The aim is for these children to enter a mainstream kindergarten program after participating in the nursery school. This is a program that is truly needed in the Washington, D.C. area.

Referrals will likely come from area preschools, from parents seeking appropriate placement for their young children, and from professionals working with these children

and their families. As part of the admissions process, children will be evaluated to ensure that the program will meet their needs. Children from the greater metropolitan area will be eligible.

The Center plans to rent classroom space from Capitol Memorial Church, and the Church's Board has approved the proposal. As of the date of this submission, the Church and the Center are in the process of negotiating the specific terms of a use agreement. Drop-off, pick-up, and all parking for parents and staff will occur in the Church parking lot. The burden of additional traffic and parking in the neighborhood will be minimal.

V. Compliance with the Special Exception Criteria

The subject property is zoned R-1-A, which is a low-density residential zone that allows single-family detached dwellings on lots having a minimum area of 7,500 square feet and 75 feet of width. Maximum building height is 40 feet, 3 stories. Certain compatible nonresidential uses are allowed as of right, as accessory uses or as special exceptions subject to approval by the BZA according to specified criteria.

A child development center is allowed by § 205.1 if approved by the Board subject to the generic standards of § 3104 and the specific criteria reviewed below.

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

The Applicant understands that the referral to the licensing agency now goes to the Department of Health. The Program Director of the Center has attended the licensing seminar sponsored by the Department of Health, Health Regulation Administration, Child and Residential Facilities Division. The Applicant will continue to work with Department of Health officials in the pre-licensing process, so that the Department's report will clearly indicate full compliance with applicable regulations.

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

The Church has vehicular access only from Chesapeake Street, from which there are two curb cuts accessing the Church -- one inbound and one outbound. These serve a single driveway, which goes around the Church in a one-way direction, with several sections of diagonal parking spaces along the drive. The Church entrance that will be used for drop-off and pick-up of the children is the entrance on the west side of the Church. Parents or others who are dropping off or picking up children will enter via the easternmost driveway from Chesapeake Street and continue three-fourths of the way around the Church to this western entrance. As is illustrated in the photographs in Exhibit C, this entrance faces a large park, so there will be no noise or other adverse effects imposed upon neighbors. Parents will then continue out the exit driveway back on to Chesapeake Street.

The western entrance to the Church is situated more than 100 feet from Chesapeake Street. The nearest homes will be those few along the north frontage of Chesapeake Street to the west of Gates Road. This is a significant amount of space from a quite minor level of activity and a low noise level.

The availability of a pick-up and drop-off area internal to the site means that there will be no problem with automobiles backing up on to Chesapeake Street, and of course, there will be no need for cars to park or double park on Chesapeake Street for drop off and pick-up. The one-way system makes it safe and convenient for parents or other drivers to enter at the easternmost driveway, drive around the Church to the western

entrance, drop off the child, then continue out the exit driveway on to Chesapeake Street. Traffic volume on Chesapeake is generally low, especially at the midday pick-up time.

All in all, the vehicular access and drop-off system is exceptionally favorable in terms of avoiding any adverse traffic effects and in protecting the safety of the children.

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

The Church has 56 parking spaces, which are little used during the week, so that parking will be ample for the three teachers, or five to six teachers if the program expands in the future. There will be occasional visitors, part-time volunteers and one-time events, but the number of attendees will be small and easily accommodated by the existing parking spaces. The Church itself is primarily a place of worship with only very limited activities during the week, so that the nursery school teachers will not have problems competing for parking spaces with other users or events. Church officials confirm that there are no scheduled daytime activities during the Monday-Friday week, so that the only other activity in the daytime will be the presence of four Church employees on the premises.

The parking requirement for Child/Elderly Development Center in 11 DCMR § 2101.1 is one parking space for every 4 teachers or other employees. In the initial period when there will be three teachers, the parking requirement is for one parking space. If the program expands to its maximum requested size of 20 children and five to six teachers, the parking requirement will be two spaces. In either case, the availability of 56 little-used spaces available during the week ensures that sufficient parking is available to meet the reasonable needs of teachers, other employees and visitors.

205.5 *The Center, 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 impacts.*

The indoor program will take place within an established church, so that any noise from activities will be completely or virtually completely contained within the building. There are few nearby houses, and they have reasonable separation from the Church property. Because of the park to the west of the Church, there is only one abutting house on the south side of Chesapeake Street. The *Site Location and Context Map* in Exhibit A depicts the few houses nearby on the north frontage of Chesapeake Street and the substantial degree of separation that exists between them and the Church. property. A trustee of the Center has discussed the program with the nearby neighbors, and the neighbors support the proposed nursery school so long as its size does not exceed 20 children.

The nursery school will operate Monday through Friday, from approximately 8:30-12:15, from September to June, following the public school calendar. Initially there will be one class of 8-12 children, with 3 teachers, and a staff-to-child ratio of 1:3 or 1:4. There will also be occasional, small, parent-toddler groups. Such sessions are contemplated in the zoning definition of Child/Elderly Development Center, which states in part, "A child/elderly development center includes the following accessory uses: counseling, education, training, and health and social services for the parents or principal guardians of children attending the center." (11 DCMR § 199)

The program will take place in space formerly used by a child development center that operated in the Church for 10-15 years up to the early 1990s, with an enrollment of

approximately 50 children. Clearly the proposed program is much smaller and much less likely to create noise or other disturbance of neighbors.

In this application, the Center requests approval for up to 20 children and six teachers, even though the initial size will be 8-12 children and three teachers. There are no expansion plans at this time, but the Applicant would like to be able to enroll up to 20 children without a further public hearing and Board approval. If the program ever desires to expand beyond 20 children, the nursery school will relocate to another site altogether. The Center has made this commitment to the nearby neighbors of the Church, and the cap of 20 children and six teachers is acceptable to the Applicant as a condition of approval in this case.

If the program expands, the maximum hours of operation will be from 7:30 a.m. to 6:00 p.m. on Monday through Thursday and from 7:30 a.m. to 4:00 p.m. on Friday.

The favorable vehicular access and child drop-off system with minimal likely effects on neighbors was described above, under § 205.5. The direct access to a public playground without crossing a street or passing near the homes of residential neighbors is described in the following section. In summary, it is highly unlikely that there will be any "objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable impacts."

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 travelling between the play area and the center itself*

The Forest Hills Playground, a public playground that abuts the Church to the west, will be used as the outdoor play area. The children and staff will thus not need to cross a street to reach the playground. Use of the playground will occur mid-morning,

always under close supervision from staff. The nursery school teachers will work cooperatively with the city and the Friends of Forest Hills Playground to help keep the park clean and well maintained. The Program Director of the Center communicated with the Department of Recreation and received confirmation that there would be no scheduling conflicts. In addition, a trustee of the Center consulted with the Friends of Forest Hills Playground regarding park usage. The trustee also visited the playground at numerous mid-morning times to observe usage. Usage at that time of day tends to be light (10-20 children), and there is ample room for additional children to play there. Because the nursery school operates only weekdays during the normal school year, conflicts should be extremely few.

In addition to being safe for the children walking to it, the park is also well separated across Chesapeake Street from only four detached houses. The buildings to the west and south of the park are large, high-density apartment buildings, the occupants of which will not be disturbed by minor noise created by the few children of the nursery school in play periods.

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.*

Given the favorable situation of the premises and small size of the program and other factors cited above, the Applicant is of the opinion that no additional screening or other measures are needed. The Applicant will, of course, consider any suggestions from the Board.

205.8 *The Board may approve more than one (1) child/elderly development center in a square or within 1,000 feet 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 District's licensing records indicate that there is no other child/elderly development center within Square 2263 or within 1,000 feet of the subject property.

205.9, 205.10 These provisions require a referral to various departments, including Human Services. The Applicant will work closely with the latter agency after the referral is made to ensure that licensing compliance is indicated.

VI. Compliance with § 3104

Section 3104 authorizes the Board of Zoning Adjustment to grant variances subject to the specific criteria for the individual use, reviewed above, and subject to a finding that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property.

The facts and analysis in this Statement document that the proposed nursery will be compatible with the purpose of the R-1 Districts to provide for quiet residential areas, where "only a few additional and compatible uses shall be permitted." (11 DMCR 200.2) The Center will be an entirely compatible use with the surrounding residential neighborhood and is consistent with the intent of the R-1 District purpose statement.

VII. Community Comment

A trustee of the Center has consulted with the immediate neighbors of the Church. She has also provided information to, and offered to meet with, the Forest Hills Citizens Association. In addition, she has contacted the Forest Hills Neighborhood Alliance, but has been informed that this organization is focussed on historic preservation and therefore does not have a point of view regarding the nursery school. Center representatives have also made a preliminary presentation to ANC 3F. A formal vote is expected prior to the

public hearing on this case. The Commissioner for ANC 3F04 may also schedule a single-member district meeting to discuss this proposal. Community comments up to the day of filing this application have been accepting and generally supportive of the proposed use, provided it does not expand above 20 children in size.

VIII. Conclusion

The proposed nursery/child development center use satisfies all of the requirements for the requested special exception as set forth in Sections 3104 and 205 of the Zoning Regulations. The Applicant requests that the Board approve the application for a child development center of up a maximum of 20 children and six teachers.

Respectfully submitted,
ARNOLD & PORTER

Nathan W. Gross, AICP

Cynthia A. Giordano

Attachments

Exhibit A: Site Location and Neighborhood Context Map