16970

ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS
MCLEAN GARDENS • WOODLEY PARK

Single Member District Commissioners
01-Allen Hahn; 02-Kurt Vorndran; 03-Robert Martin
04-Richard C. Bartel; 05-John Welsh; 06-Trudy Reeves
07-Sheila Hogan; 08-Nancy Nord; 09-Nancy MacWood

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Geoffrey Griffis
Board of Zoning Adjustment
441 4th Street, NW
Suite 210 South
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB -5 PM 3:52

Dear Mr. Griffis:

At the Jan. 27, 2003 meeting of Advisory Neighborhood Commission 3C, at which a quorum was present, the enclosed resolutions were approved. The expansion proposed by National Child Research Center (NCRC), which was the subject of the resolution, involves numerous transportation related issues and issues of institutional spread in residential neighborhoods. I hope that you will have an opportunity to review the submitted materials and view the video prepared over the past year by the neighbors. The ANC found this very instructive.

Thank you for this opportunity to share with you the views of ANC 3C on this matter.

Sincerely,

Nancy J. MacWood, Chair
ANC3C

BZA
Case No. 16970
Exhibit No. 96

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.96

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ANC 3C RESOLUTION 2003-001

Resolution Regarding NCRC Request for BZA Special Exception

WHEREAS National Child Research Center (NCRC) is applying to the D.C. Board of Zoning Adjustment (BZA) for the purpose of seeking adoption of a new zoning Order to replace the existing BZA Order (#16307) for special exception; and

WHEREAS NCRC proposes to double the size of its present buildings from approximately 9,000 square feet to approximately 18,000 square feet; and

WHEREAS ANC3C and the surrounding neighbors each gave NCRC its support for the previous BZA application in 1998, where NCRC stated that it would not increase its physical size, student enrollment, and staffing throughout the eight-year term of the Order; and

WHEREAS ANC3C and the surrounding neighbors also relied upon NCRC's representation during the 1998 BZA hearing that it is "not intending to do any construction, nor is it intending to increase the number of students from its current enrollment or to change its operations in any other way..." in agreeing to the BZA Order; and

WHEREAS NCRC takes the position that the BZA's 1998 special exception entitles it to a student enrollment the size of which is limited only by a requirement that there not be more than 120 students on the property at a given time; and

WHEREAS NCRC's interpretation of the special exception, if accurate, would permit the school to increase its student population substantially without seeking any additional authorization from the BZA; and

WHEREAS, not withstanding efforts by NCRC to regulate the flow of traffic to and from the school, traffic generated by NCRC continues to be a serious problem to individuals residing on the neighboring streets; and

WHEREAS NCRC and the surrounding neighbors both agreed to continue negotiations with each other on various issues, including enrollment cap, building expansion program, traffic management, use, and noise mitigation; and

WHEREAS NCRC's use of this property in the past has been inconsistent with its representations to the BZA, ANC3C and other governmental bodies, resulting in a widespread outcry from the neighbors against the applicant's proposed expansion over concerns regarding already excessive traffic, noise, students and faculty; and

WHEREAS NCRC may be in violation of the existing BZA Order by having 38 faculty, 35 percent more than 28 stated in the existing BZA Order; and

WHEREAS dozens of nearby residents allege that NCRC is currently in violation of the existing BZA Order by having caused adverse impacts to the neighborhood for persistent, objectionable traffic management conditions described both verbally and pictorially at the regularly scheduled, Oct. 28, 2002, meeting of ANC3C and at other meetings of NCRC and residents of the surrounding neighborhood; and

WHEREAS neighbors have complained that NCRC events have generated unacceptable noise levels; and

WHEREAS the 1998 BZA approval for a new special exception (DCMR Chapter 11, Sect. 3108.1) to operate a larger child development center in this R-1 district is conditioned on, among other things, averting adverse affects on neighboring property (Sect. 3108.1), creating no objectionable or unsafe traffic conditions (Sect. 205.2), and creating no objectionable audio or visual conditions (Sect. 205.5); and

WHEREAS numerous surrounding neighbors, especially those living on Ordway Street next to and across from NCRC, having expressed objection to the proposed new building due to adverse impacts resulting from diminished sunlight, the noise from commercial air conditioning equipment, and the noise from the close proximity of students/staff in the proposed classroom space designated for music and gymnastics; and

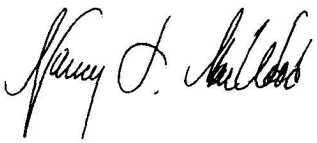
WHEREAS increased student enrollment and staffing will exacerbate traffic problems, yet the applicant has not provided the results of a traffic study; and

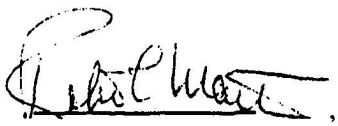
WHEREAS the NCRC has not sustained its burden as the requester of a special exception by demonstrating that its proposed development will not generate objectionable, adverse impacts due to resulting noise, traffic, number of students, and the number of faculty it will generate;

THEREFORE, BE IT RESOLVED THAT ANC3C opposes the NCRC application for the reasons stated above and their ongoing adverse impacts on the surrounding neighborhood, and ANC3C urges the BZA to reject NCRC's request at its Feb. 11, 2003 meeting or subsequent meeting; and

BE IT FURTHER RESOLVED THAT the Chair or her designee be authorized to testify, representing the ANC before the BZA or other body on this topic.

This resolution was approved by the ANC 3C by a unanimous vote of 9-0 at its regular public meeting on January 27, 2003, at which a quorum was present.

Attested by  , Chair, on January 27, 2003
Nancy MacWood Date

Attested by  , Secretary, on January 27, 2003
Robert Martin Date

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ANC 3C RESOLUTION 2003-002

Resolution Regarding NCRC Request for BZA Special Exception

WHEREAS National Child Research Center (NCRC) is applying to the D.C. Board of Zoning Adjustment (BZA) for the purpose of seeking adoption of a new zoning Order to replace the existing BZA Order (#16307) for special exception; and

WHEREAS ANC3C voted this night in opposition to NCRC's special exception application pending before the BZA; but

WHEREAS ANC3C does not know the outcome of the BZA's discussions and decision on this application;

THEREFORE, BE IT RESOLVED THAT ANC3C urges the BZA to issue a new zoning Order at a later date and after ANC 3C has an opportunity to consult with the neighbors and NCRC on conditions.

This resolution was approved by the ANC 3C by a vote of 8-0 with one abstention at its regular public meeting on January 27, 2003, at which a quorum was present.

Attested by Nancy MacWood, Chair, on January 27, 2003
Date

Attested by Robert Martin, Secretary, on January 27, 2003
Date