GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

D.C. BOARD OF ZONING
RECEIVED
2003 FEB -7 PM 3:52

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: February 6, 2003

SUBJECT: Waiver of Rules for Late Submittal of a Report concerning BZA Application 16970 requesting a Special Exception for a Child Development Center on property located at 3209 Highland Place, N.W.

The attached report concerning an application from the National Child Research Center, requesting approval of a Special Exception under Sections 205 and 3103.13 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, is submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16970
Exhibit No. 102

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.102

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: February 6, 2003

SUBJECT: BZA Application 16970

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB -7 PM 3:55

APPLICATION
The National Child Research Center (NCRC) is requesting a Special Exception to continue an established Child Development Center use, increase the allowable staff from 28 to 38, and construct additions to existing buildings on property located at 3209 Highland Place, N.W. (Square 2072 Lot 30) pursuant to Sections 205 and 3103.13 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

SUMMARY RECOMMENDATION
The Office of Planning does not make a recommendation at this time, pending receipt of the information requested from District agencies which is necessary in order to determine whether there are any adverse impacts. Staff may submit a supplemental report after receipt of the requested information.

SITE AND AREA DESCRIPTION
This subject property is a through-lot fronting Ordway Street and Highland Place, N.W. It is approximately one acre (45,208 square feet) in size and developed with: a three-story Colonial Revival frame dwelling (circa 1905) in the southeast corner of the Highland Place frontage, and a two-story playhouse building (circa 1915) and a bicycle shed along Ordway Street. The fenced site has several large trees, a terraced playground with play equipment, a paved bicycle course, and no vehicular parking area.

Surrounding development is primarily single-family dwellings of frame and brick construction on wooded lots. Properties to the north across Ordway Street, N.W., are zoned R-2. The subject property, and surrounding properties to the east, west and south, are zoned R-1-B (refer to Exhibit 1). All properties in the vicinity are located in the heart of the Cleveland Park Historic District.

APPLICANT'S PROPOSAL

In the original application, The National Child Research Center (NCRC), the applicant, requests "... special exception approval for continuation of a child development center with morning and afternoon programs for 120 children at any one time ages 2 1/2 to 5 years in all floors of the existing buildings on the site, and for construction of additions to the existing buildings in an R-1-B District on property located at 3209 Highland Place, N.W. ..." The Statement of Existing and Intended Use explains that the applicant seeks approval to undertake new construction associated with the existing Child Development Center, and to increase the allowable staff level from 28 to 38. The submitted plans reflect the following construction activity:

- Main Building: Demolition of rear porch area and construction of one-story addition providing approximately 1,690 square feet of "new classroom and conference space" with toilet facilities on the first floor level, and an equal amount of space for classrooms, ramps and stairs on the ground level. Elevator access would be provided between the ground, first and second levels.
- Bike Shed: Construction of a 448 square foot enclosure for storage of bicycles, yard maintenance and repair equipment to replace the existing shed in the northeast corner of the property. This enclosure also replaces an outdoor storage building displaced by Main Building construction.
- Playhouse Building: No physical changes are proposed, however NCRC staff stated that Carriage House construction would allow relocation of the teacher lounge and offices from the Main Building to the second floor of the playhouse building.
- Carriage House: This construction in the northwest corner of the site that would provide approximately 4,080 square feet for classrooms, a "motor skills"/community room and toilet facilities on the ground level space, and 1,980 square feet of classroom space and an outdoor plaza on the upper level that extends to first floor elevation of the adjacent playhouse building. An elevator would serve both levels of the Carriage House, and the ground level façade would be extended to attach to the playhouse building foundation.

The application maintains the proposed 10,000 square feet of new construction would "enable the school to maintain its teacher/student ratio and to provide classrooms to accommodate the ages of students". It emphasized that "the center is capable of meeting all applicable code and licensing requirements; additions are located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children; the site is exempt from the off-street parking requirements due to its location in the Cleveland Park Historic District; outdoor play space is located and designed so there are no objectionable impacts on adjacent and nearby properties, no special treatment in the way of design or screening of buildings is required, there is no off-site play area, and no other child development center within 1000 feet."

The Statement of the Applicant dated January 28, 2003 clarifies that proposed additions would also allow elimination of third-floor children's classrooms in the Main Building, and allow the reduction of group sizes *by adding new classes "instead of cutting back on enrollment"*. The site and existing use has been the subject of previous zoning applications:

- On October 29, 1963, the Board of Zoning Adjustment (BZA) denied Appeal No. 7503, a request to erect a new school building for kindergarten and pre-school children on the subject property, and increase enrollment from 70 to 80 children.

- On January 21, 1998, the BZA issued a Bench Decision adopting Final Order 16307 approving a Special Exception under Section 205 to establish a Child Development Center for 120 students ranging from 2 ½ to 5 years of age, and 28 staff in basement and third floor of an existing building subject to the following conditions:

  1. Approval shall be for a period of FIFTEEN (15) YEARS.
  2. The maximum number of children shall not exceed 120.
  3. The maximum number of teachers and support staff shall not exceed 28.
  4. The hours and days of operation shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday.

- On May 6, 1998, the BZA adopted a revised Final Order 16307 approving the same Special Exception request after another public hearing because of Advisory Neighborhood Commission (ANC) 2C complaints about inadequate public notice. This approval was subject to a different list of conditions (refer to Exhibit 2) mirroring recommendations included in a letter to the BZA Chairperson dated April 29, 1998. The letter explains that reduction in the duration of the approval from 15 to 8 years was recommended to "enable neighbors to testify on the efficacy of these measures should adverse impacts result."

With regard to this Order, the Statement of the Applicant includes a declaration that "... presently the school has no limitation on either the number of students at one time or total enrollment ..." In light of this interpretation, the applicant is "offering" to limit the number of children at any one time to 120 (the same number applied for in the Order), and to limit "base" enrollment to 181 children, and with the requested flexibility to add 4 students to a maximum enrollment to 185 children. Is also includes a list of possible special exception conditions introduced during the ANC 2C meeting on January 27, 2003, and proposed modifications to existing conditions of Final Order 16307.

As a result of the Statement of the Applicant submitted on January 28, 2003, the Office of Planning understands the revised scope of the application to include the items mentioned

previously and the expansion of the "base" enrollment from the current 171 students to 185. In summary, this report reviews:

- The construction of new building additions on the subject property;
- Establishing 120 children as the maximum number of children on-site at any time;
- Establishing a maximum allowable enrollment of 185 children; and
- Increasing the allowable staff from 28 to 38.

EXISTING ZONING AND RELIEF REQUESTED

The subject properties are zoned R-1-B. Section 205 of the Zoning Regulations allows Child/ Elderly Development Center uses in this zoning district with BZA approval of a special exception. The property is also subject to the following provisions of the regulations:

Standard	R-1-B Requirement	Existing	Proposed	Required Relief
Lot Area	5,000 s.f.	45,208 s.f.[1]	Same	N/A
Lot Width	50	211 feet	Same	N/A
Floor Area	--	9,500 s.f.[1]	18,000 s.f.[1]	N/A
Floor Area Ratio	1.8	0.21	0.40	N/A
Height	N/A	1-3 stories	1-3 stories	N/A
Lot Occupancy (max.)	40 %	10%[1]	20%[1]	N/A
Rear Yard	25 feet	46 feet[2]	44 feet[3]	N/A
Side Yard	8 feet	44 ft.[3]	10 ft.[4]	N/A
Parking (on-site)	N/A[5]	None	None	N/A
Loading Berths	N/A	None	None	N/A

This review indicates that the proposed uses would meet the bulk and height provisions of the Zoning Regulations, however a special exception is required for the proposed construction, to increase the staffing level, and to establish a maximum enrollment of the existing Child Development Center. Based on Statement of the Applicant and a site visit, the applicant does not appear to be currently in compliance with BZA Order 16307 because: NCRC employs 32 persons ("full-time equivalents"), at least 4 more than the maximum 28 staff allowed; and signs

[1] Based on zoning table in the BZA application
[2] Distance from rear (Ordway Street) property boundary to Main Building from the referenced zoning table
[3] Scaled from plan set entitled "Conceptual Design Submission to the Historic Preservation Review Board for Renovations and Additions to: National Child Research Center ..." dated October 24, 2002 and Sanborn Maps
[4] Distance of new construction from western boundary scaled from the plan set
[5] Under Section 2100.5, no parking is required because the State Historic Preservation Office determined this property contributes to the Cleveland Park Historic District

erected along the Ordway Street frontage limiting parking on school days to 15 minutes between 7:00 a.m. and 8:30 a.m. in accordance with condition #6 have been removed without consultation with the ANC.

ANALYSIS
The applicant's proposal is subject to the following provisions of the Zoning Regulations.

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions 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."

The referenced Special Exception is subject to provisions under Section 205 for a Child Development Center use in R-2-B.

Compliance with Section 205
The requirements under this section include:

205.1 Use as a child/elderly development center shall be permitted in an R-I District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3108 of chapter 31 of this title, subject to the provisions of this section.

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

This proposal was referred to the Department of Health, Health Regulation Administration, Child and Residential Facilities Division (DOH) for comment. The current Child Development Center use is licensed to serve a maximum of 108 on-site at one time. DOH's initial response was to recommend that the subject application be approved for the same number of students "pending inspection of the future program space" (refer to Exhibit 3). At the request of the Office of Planning, applicant representatives forwarded proposed facility plans to DOH staff for a determination whether the proposed facility will meet license requirements for 120 children on-site at any one time. To date no additional written response has been received, however DOH staff estimates proposed construction would be sufficient for an additional 42 children (potentially 150 children a day).

The Statement of the Applicant also includes a diagram illustrating how class sizes would be reduced "without reducing enrollment" (refer to Exhibit 4). Between one and three students would be withdrawn from each existing groups to reach the desired size. Ten new students would then be enrolled and added to the 19 withdrawn from existing groups to create two groups of 13 and 16 students. This proposal is consistent with the stated

objective in NCRC's long-range plan of reducing class size without decreasing enrollment. The additional 10 children would increase current enrollment from 171 to 181. The applicant would like the option to add 4 more children bringing the total enrollment to 185 children. This total would the be 14 more than the current enrollment, and 65 more than the 120 children listed in Final Order 16307.

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 ...*

Based on the submitted plans, the current drop-off and pick-up points would not change as a result of the new construction. However, residents in the neighborhood have complained vociferously about the traffic impacts, suggesting that there appears to be a correlation between the level of traffic congestion and the total numbers of students enrolled, in addition to the correlation to the maximum number of students allowed on-site at any one time, which is the applicant's argument

The applicant hired O.R. George & Associates Traffic Engineers to analyze existing conditions and potential impacts of the proposed changes in response to an OP request. However, the final report was only received one week prior to the date the agency reports are due. As a result, the District Department of Transportation (DDOT) has not had sufficient time to review the report and provide a recommendation to the BZA on the sufficiency of the current Traffic Management, Plan or the impact of the proposed changes. Staff also requested the Metropolitan Police Department (MPD) to review its records for calls for service related to traffic congestion or illegal parking activity in the area since Final Order 16307 was adopted. Therefore, since traffic is a key area of potential adverse impact, OP cannot conclude at this time that the application satisfies this section.

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

The applicant proposes to increase the number of employees from 28 to 38. No parking spaces are provided on-site currently and none are proposed. The applicant indicated that no parking spaces are required under Section 2100.5 of the Zoning Regulations because the subject property contributes to the integrity of the Cleveland Park Historic District. However, it is unclear whether the proposed Carriage House addition, which is not historic, requires the provision of on-site parking spaces in accordance with Section 2100.6 (refer to Exhibit 9). The Zoning Administrator has been requested to determine whether on-site parking spaces are required for this addition.

After reviewing existing conditions and the proposed changes, the consultant concluded, "NCRC does not generate sufficient parking demands on the local area roadways, particularly as they pertain to the Residential Parking Permit (RPP) provisions for the area." Residents, however, complain that the existing Child Development Center is negatively impacting traffic circulation and parking in the area. Pending DDOT's review and recommendation, OP cannot determine whether the application satisfies this section.

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 or activity, or visual or other objectionable conditions.

Playground operation and activities during school hours have not been a major concern expressed by the neighborhood. The proposed construction will reduce the size of the existing playground but not relocate it.

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.

On January 28, 2003, the Historic Preservation Review Board (HPRB) reviewed the conceptual plans for consistency with the goals of the historic district (refer to Exhibit 5). HPRB approved the conceptual plans, with some comments. The applicant is required to return with revisions to address the stated concerns.

HPRB staff will work with the applicant on landscaping and erosion plans in conjunction with the final approval.

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.

No off-site play area is proposed in this application.

205.8 The Board may approve more that 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.

Staff inquired whether DOH records list any other licensed facility within a radius of 1000 feet. To date, no response has been received.

Based on these findings, and pending comments from DOH, MPD, DDOT, and the Zoning Administrator, OP cannot conclude that this application meets the requirements of Section 205.

Compliance with Section 3104.1:
Based on the inconclusive nature of the results under Section 205, it is unclear whether the proposed construction, and enrollment and staff increases will be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and whether proposed changes will tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for Low Density residential development characterized by single-family attached and semi-detached dwelling as

predominant uses uses. The Comprehensive Plan, which is the legal basis for zoning in the District, enunciates, as its first principle, the importance of stability for residential neighborhoods. Under Section 101, Major Themes, the plan states:

> "The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein. ...
>
> The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. ...
>
> Ensuring good quality neighborhoods is of utmost importance to the District."

In Title 11, the Land Use Element, the Plan gets quite specific. Section 1103, Objectives for Residential Neighborhoods, states:

> "The residential neighborhood objectives are to conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods, to enhance other neighborhoods to improve and achieve stability, to redirect public and private initiatives to neighborhoods most in need of improvement and stability, to encourage development of adequate neighborhood shopping and support services in all sections of the District, to protect residential neighborhoods from disruptive uses and to prevent concentrations of non-residential uses in residential neighborhoods."

Policies in support of these objectives include "(1) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses; ..."

COMMUNITY COMMENTS

The Statement of the Applicant makes reference to a number of meetings, presentations, tours and other communications concerning this proposal with parents, community residents and Advisory Neighborhood Commission (ANC) 3C since January 2002. In response to community concerns, the following changes were made to the original plans:

- "A reduction in the square footage (of additions), 40% reduction in new building footprint, elimination of one classroom space, and a room designed to work with children in small groups

- Increased the separation between the (Carriage House addition) and ... existing Playhouse (Building) *(although the buildings are still attached at the ground level/foundation)*.
- Elimination of covered walkway linking the (Carriage House addition) to the Playhouse
- Moving the mechanical equipment to the roof of the addition to the main building, away from ... neighbors, and adding a mansard roof to conceal that mechanical equipment both visually and acoustically
- Reducing the height and size of the maintenance building.
- Revising the Ordway Street elevation (of the Carriage House addition) with regard to the size and design of the windows."

The Office of Zoning record file for this application includes 40 letters in support, almost all from former students, and parents or grandparents of current students. One letter noted improvement in staff supervision of parent activity during morning and evening transition, but acknowledged a problem in the afternoon turning from Newark Street onto 34th Street N.W. (the writer wondered if this is the cumulative result of several schools in the area). Another supporter said improving the south side of Ordway Street (near the entrance to Cleveland Park) would make the site more accessible. There was also a suggestion to "rebuild the south side of Ordway Drive to accept extra vehicles during drop-off and pick-up times", thereby reducing the traffic on Highland Place. One letter of support from a non-parent characterized the early childhood education conference held at NCRC as "one of the few professional development opportunities for private and public school educators to interact."

The three letters in opposition note: reluctance by a neighbor around the corner to support "a modest" 10-child increase in part because the writer cannot park because of the parents, and fear about the site becoming a "conference center"; a property owner across the street has concerns about the appearance of the site from the street, traffic conditions and an altered streetscape; and another is concerned about all the traffic coming down 33rd Place from the center. A law firm representing 33 owners of adjacent property, and property in the vicinity, has filed a request with the BZA to dismiss this application (a "Motion to Appear as a Party, Motion to Dismiss ..." dated January 2, 2003), and a Statement of Opposition (dated January 23, 2003) based primarily on the following:

1. Unauthorized on-site construction without Building Permits or HPRB review in 1994;
2. Discovery by a District inspector in 1996 that Child Development Center enrollment had increased from 90 in 1981 to 160 without community input or BZA review;
3. The opinion that the existing center with an enrollment of 171 and approximately 37 staff exceeds the 120 students and 28 staff allowed under BZA Order 16307;
4. Their opinion that the intent of referenced order was to limit the enrollment to 120, and said order does not expire until March 3, 2007; and
5. Their conclusion that NCRC does not meet the criteria for the requested Special Exception because: current operations result in "objectionable traffic conditions"; "failure to adhere to applicable regulations and licensing requirements" (including use of the site for a conference not involving interaction with student or parents); and the

proposal would create a "Campus that is inconsistent with the Surrounding Residential Neighborhood."

Attempts to use mediation to reconcile proposed plans with neighbor concerns proved unsuccessful. The ANC subsequently considered this application during a public meeting on January 27, 2003. During the meeting, commissioners began reviewing draft conditions to recommend if the BZA should decide to approve these requests. This effort was halted in order discuss these conditions with neighboring property owners. The Commission then unanimously adopted two resolutions: the first urging the BZA to reject this application; and the second urging the BZA, should it make a decision, to adopt a new zoning order at a later date after the ANC consults with the neighbors and NCRC about the appropriate conditions of approval (refer to Exhibits 6 & 7).

The applicant subsequently incorporated the draft conditions into its Statement of Justification, and proposed amendments to Final Order 16307.

AGENCY COMMENTS

This proposal was referred to the Fire and Police Departments, Department of Health, Zoning Administrator, Department of Public Works and Department of Transportation for comment. Comments received are referenced above. Staff is awaiting responses to original or supplemental referrals from the Zoning Administrator, Police Department, Department of Health, Department of Public Works and Department of Transportation. The Fire & EMS Department recommended approval (refer to Exhibit 8).

ADDITIONAL ZONING ISSUE

Staff observed while visiting the site that most children utilize the playhouse building on a daily basis for "motor skills" activities, to use the library, take music class, and/or eat lunch. This building plays a major role in the Child Development Center use, has a status nearly equal to the "principal" Main Building, and is not "incidental" as per the Zoning Regulation definition of "accessory building". Based on these characteristics, staff thinks this building currently functions as a second principal building on the subject property, and is inconsistent with Section 3202.3 of the Zoning Regulations (refer to Exhibit 9).

Since more Child Development Center activities will relocate from the Main Building once the Carriage House addition is completed, thereby increasing the nonconformity, OP requested the Zoning Administrator to determine whether zoning relief is required for building an addition onto a second principal building per the referenced section. To date, a response to this inquiry has not been received.

RECOMMENDATION

The Office of Planning must assess whether there will be any adverse impacts as a result of the proposed expansion. OP finds itself in a difficult position due to these outstanding issues:

- Clarification by BZA whether adoption of Final Order 16307 established a limit on total enrollment for the existing Child Care Center, set the total number of students on site at

any one time, or none of the above. Such a determination by the BZA would establish the base which OP should use for comparison to determine adverse impacts from number of students and traffic;

- Outstanding responses requested from District agencies, particularly a traffic impact analysis from the Department of Transportation; and
- Determinations from the Zoning Administrator whether additional relief is required with regard to: the parking requirement under Section 2100.6 for the proposed Carriage House addition; and whether this addition constitutes an expansion of a second principal building requiring a special exception pursuant to Section 2516.

Without this information, staff is unable to make such a determination. Therefore, OP cannot make a recommendation at this time. Staff may submit a supplemental report after receipt of the requested information.

AA/afj

Attachments:

Exhibit 1 Aerial Including Zoning
Exhibit 2 Board of Zoning Adjustment Summary Order 16307 - List of Conditions of Approval
Exhibit 3 Memorandum from Valerie A. Ware, Program Manager, Department of Health/ Health Regulation Administration/Child and Residential Facilities Division to Andrew Altman, Director, Office of Planning, dated December 16, 2003
Exhibit 4 Student Adjustment Table from the Statement of Justification dated January 28, 2003
Exhibit 5 Historic Preservation Review Board Staff Reports and Recommendations - 3209 Highland Place, N.W., dated January 23, 2003
Exhibit 6 Advisory Neighborhood Commission (ANC) 3-C Resolution 2003-001
Exhibit 7 ANC 3-C Resolution 2003-002
Exhibit 8 Memorandum from Kenneth B. Ellerbe, Fire Marshal to Andrew Altman, Director, Office of Planning, dated January 3, 2003
Exhibit 9 Pertinent Provisions of the Zoning Regulations

Exhibit 1


Porter St NW
R-2
Site
rdway St NW
Highland Pl NW
Highland Pl NW
23rd Pl NW
R-1-B
Newark St NW
Newark St NW
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. #16970
DC Office of Planning
December 3, 2002
Scale 1:1527
Attachment 1

Board of Zoning Adjustment Summary Order 16307

List of Conditions of Approval

1. Approval shall be for EIGHT (8) YEARS.

2. The applicant shall prepare a pamphlet, separate from other school notices, which will define clearly the school's policies and regulations with regard to traffic and parking. The pamphlet will recognize specifically the interests and concerns of neighbors regarding school-related traffic and parking. The pamphlet will be distributed at the start of the school year and three additional times during the school year to parents and child care providers. In addition, the pamphlet will be given to families that change caregivers, and the applicant will further distribute the pamphlet at such other times to individual drivers if violations of the policy are noted by the monitors or neighbors.

3. The applicant shall clearly define the carpool waiting line on Highland Place and any carpool waiting line, and the location of its starting point shall be marked with a traffic cone placed in the street at each scheduled pick-up time to minimize blocking of traffic, particularly at the curve on Highland Place. In this instance, "carpool" refers to any automobile used to pick up one or more NCRC students.

4. Formation of the carpool waiting line shall not be permitted prior to 10 minutes before dismissal time.

5. Clearly identifiable NCRC staff using walkie-talkies (or other communication technology) shall monitor drop-off and pick-up points on Highland Place and Ordway Street with specific attention to ensuring that driveways and traffic is not blocked.

6. The applicant and ANC 3-C shall jointly request that the Department of Public Works mark no-parking areas at all the corners of Highland and 33rd Places with both signs and pavement markings to indicate clearly the limit of parking close to these corners. They will further request that parking adjacent to the school property along Ordway Street be limited to 15 minutes on school days between 7:00 a.m. and 8:30 a.m. with appropriated signage and pavement markings.

7. The applicant's staff shall warm violators of traffic regulations and shall request enforcement by the Metropolitan Police if violations persist.

8. The applicant shall not object to or in any way discourage any extension of residential permit parking on streets within the area of the school (except with regard to the actual frontage of NCRC on Highland Place and Ordway Street, N.W.).

9. The hours and days of operation shall be between 8.:00 a.m. and 5:00 p.m., Monday through Friday.

Exhibit 3

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health

Child & Residential Care Facilities Division

MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Valerie A. Ware
Program Manager

DATE: December 16, 2003

SUBJECT: BZA Order No. 16970
National Child Research Center
3209 Highland Place, NW
Washington, DC 20008

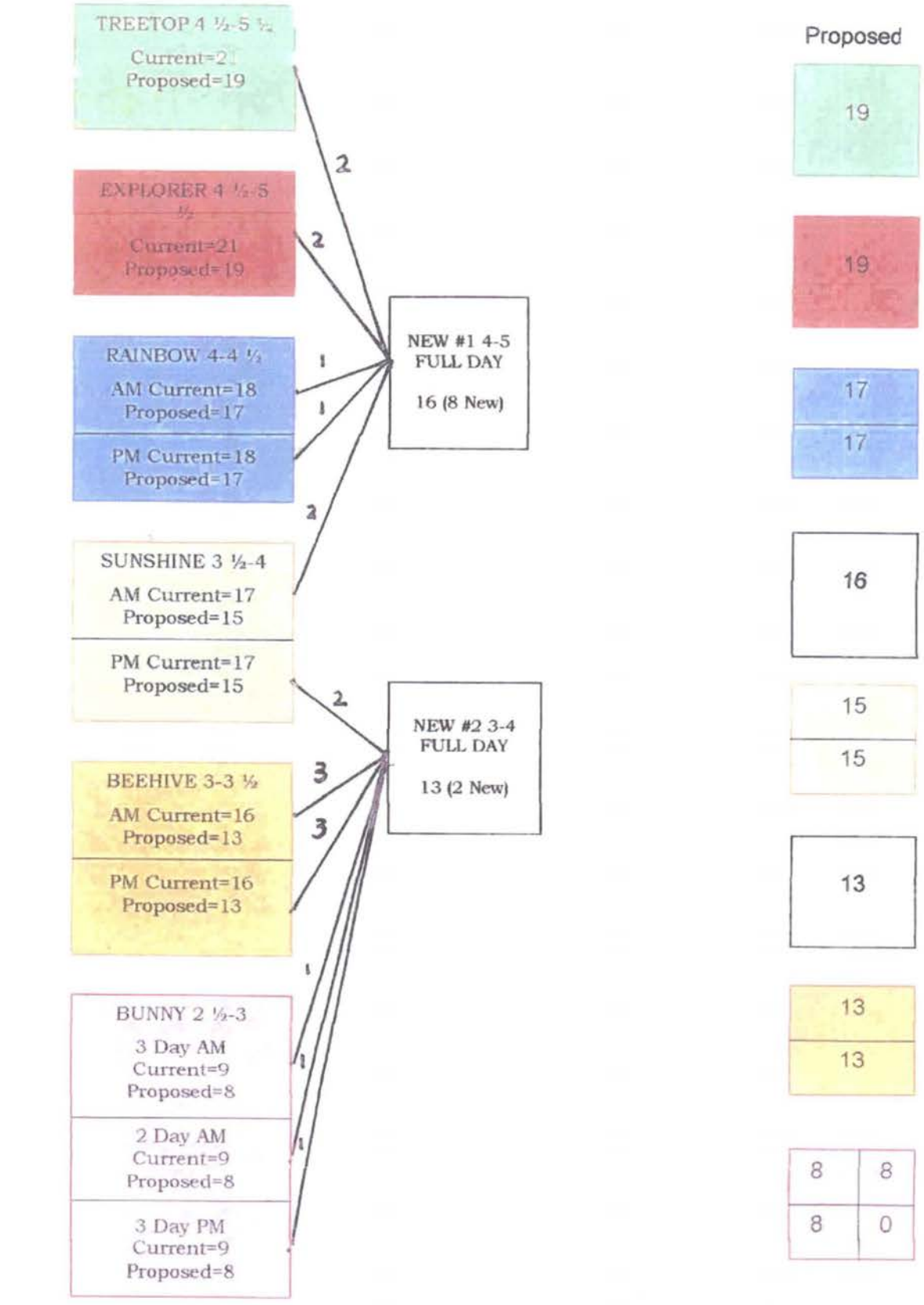
The Department of Health, Health Regulation Administration, Child and Residential Care Facilities Division (DOH/HRA/C&RCFD) recommends that the applicant be granted special exception approval for continuation of a child development center with morning and afternoon programs. Specifically, DOH/HRA/C&RCFD recommends that the National Child Research Center be allowed to continue its program for (108) children, ages 2.5 years through 5 years of age, which is consistent with the facility's current licensure capacity. The facility's increase in licensure capacity will be evaluated, pending the inspection of the future program space. The facility is currently operating with a current license, which expires June 2, 2003.

The National Child Research Center, recently requested special permission to mix-age group children in three (3) classrooms. In addition, the facility also admitted to not adhering to the maximum group size requirements; observed during a recent on site inspection. DOH/HRA/C&RCFD responded by granted special permission to waive the mixed-age group requirement for the three (3) classrooms, but will be required the facility to maintain compliance with the maximum group size requirements, effective September 1, 2003.

Should you have further questions, you may contact Denise Ryles-McKoy, Supervisory Human Services Licensing Specialist for the Child and Residential Care Facilities Division on 442-5929.

825 North Capitol Street, NE, 2nd Floor, Washington, DC 20002 (202) 442-5929 Fax (202) 442-9430

Exhibit 4


TREETOP 4 ½-5 ½
Current=21
Proposed=19
EXPLORER 4 ½-5 ½
Current=21
Proposed=19
RAINBOW 4-4 ½
AM Current=18
Proposed=17
PM Current=18
Proposed=17
SUNSHINE 3 ½-4
AM Current=17
Proposed=15
PM Current=17
Proposed=15
BEEHIVE 3-3 ½
AM Current=16
Proposed=13
PM Current=16
Proposed=13
BUNNY 2 ½-3
3 Day AM
Current=9
Proposed=8
2 Day AM
Current=9
Proposed=8
3 Day PM
Current=9
Proposed=8
NEW #1 4-5
FULL DAY
16 (8 New)
NEW #2 3-4
FULL DAY
13 (2 New)
2
2
1
1
2
2
3
3
1
1
1
Proposed
19
19
17
17
16
15
15
13
13
13
8
8
8
0

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**3209 Highland Place, NW**	X	Agenda
Landmark/District:	**Cleveland Park Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**January 23, 2003**	X	Alteration
H.P.A. Number:	**02-636**	X	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, architect Charles Anthony for the National Child Research Center (NCRC), seeks conceptual design review for alterations and a rear addition to a 1905 Colonial Revival house, and an addition to a 1915 two-story frame outbuilding (called "the playhouse") located at the rear of the property overlooking Ordway Street. The proposal also includes replacing a one-story wooden shed with a somewhat larger one-story shed. The buildings occupy a large (45,000+ square foot) lot that fronts on Highland and slopes down to Ordway Street; the additions would be visible from each of these streets.

The house has served as the home of NCRC, a private non-profit pre-school, since 1930. Currently, the house's four floors contain the school's six classrooms, speech therapy rooms, administrative offices, a kitchen, and mechanical and support spaces. The playhouse contains additional therapy rooms on the upper level, and a playroom on the first floor, which opens to a large deck. The property's sloping site has been partially regraded and terraced to make it more usable for a playground. The site does not contain historically significant landscape features.

The proposal calls for a substantial renovation of the interior of the house, reopening the front door and front hallway among other things, and constructing a two-story addition in the back (one story above a partially submerged basement), that would include two new classrooms, an elevator, and a fire stair. The addition is proposed in the general language of an enclosed porch, with columns separating banks of nine-over-one sash windows set on a more solid brick basement level with punched windows.

A two-story addition is proposed to the playhouse, located at the northwest corner of the site fronting on Ordway Street, to house community and music rooms on the first level and two classrooms above. While technically an addition, the "carriage house" would appear as a separate building, visibly connected to the playhouse by a fenestrated brick arcade seen only on Ordway Street. The plan takes advantage of the sloping grade, submerging the first level below grade on the east and south, reading as a two-story building only on the west and north (Ordway Street) elevations. Its cottage style design, with a steeply-sloped cross-gable roof, brick, stucco and half-timber detailing, and multi-light sash windows, has been developed to relate to the roof-lines, materials' use and general scale of the houses along Ordway Street and within the historic district.

The existing shed is located behind the house at the northeast corner of the site, abutting a stucco garage on an adjacent property. The new shed would be constructed in the same location, serving as bicycle storage and as an expanded maintenance shed. It would be essentially the same size as the adjacent owner's two-car garage.

The proposed additions have been developed in a manner with is sympathetic to and compatible with the Colonial Revival style house, the property's site, the streetscape along Ordway Street, and the historic district in general. While large in footprint, the proposed rear addition to the house has been kept low in height, preserves the overall massing and rooflines of the house's side and rear elevations, and has been designed in a manner evocative of the often-enclosed rear porches prevalent in Cleveland Park. Similarly, the expanded shed is consistent in its size, mass and materials with garages found throughout the historic district.

Architecturally developed as a separate building, the "Carriage House" is generally compatible in its height, orientation, rooflines, and materials' use with the residential character of Ordway Street and the historic district. Its footprint, roughly 30' wide x 60' deep, is somewhat larger than the surrounding houses on Ordway (3063-3083 across the street average about 30' wide x 25'-40' deep; the house next door at 3220 measures about 40' wide x 35' deep); it is equivalent in size to the larger houses on Highland, such as the school's main building (45' x 65') and the neighboring house at 3207 (30' x 60'). Breaking up the longer east-west elevations with a slight change in plane and/or roofline might be worthy of additional study in order to alleviate the unbroken nature of this building's mass. Minor adjustments – such as reducing the gangs of five windows to three or four on the front and side elevations, and using non-florescent lights on the interior – should also be evaluated in order to further enhance its compatibility with the surrounding residential neighborhood.

While this project has raised concerns from some with regard to the school's enrollment, previous zoning approvals, and the traffic associated with a school in a residential neighborhood, these issues fall outside the purview of the HPRB and the preservation law, and must be addressed by the Board of Zoning Adjustment when it considers this case in the upcoming months. As the project continues to be developed, and if the proposal is approved by the BZA, a landscape plan for the overall site should be prepared that addresses the site's erosion and loss of trees.

<u>The staff recommends that the Review Board approve the conceptual design as consistent with the purposes of the preservation act, however, this approval should not be construed to constitute an endorsement for the necessary zoning variances or zoning relief.</u>

Exhibit 6

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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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 Nancy MacWood, Chair, on January 27, 2003
Date

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

Exhibit 7

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

Exhibit 8

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001

MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Kenneth B. Ellerbe RF for KE
Fire Marshal

DATE: January 3, 2003

SUBJECT: BZA Application No. 16970

The D.C. Fire and EMS Department has reviewed the above application.

The applicant is requesting to build an addition in the rear of the existing building, two stories in height with the first floor being located partially below grade. We recommend approval of this request, provided the building addition meets the requirements of the D.C. Building Code.

If you have any questions concerning this review, please contact my office at 727-3659.

Pertinent Provisions of the Zoning Regulations

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

...

Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

Building, accessory - a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building. ...

Child/elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per clay. This definition encompasses facilities generally known as child care centers, day care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training and health and social services of the parents or principal guardians of children attending the center. ...

Lot, interior - a lot other than a corner lot or a triangular lot. ...

Lot, through - an interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°) or less. ...

205.3 CHILD/ELDERLY DEVELOPMENT CENTERS (R-1)

205.9Use as a child/elderly development center shall be permitted in an R-I District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

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

205.11 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.

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

205.13 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 or activity, or visual or other objectionable conditions.

205.14 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.

205.15 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.

205.16 The Board may approve more that 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 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. ...

400 REAR YARD ...

404.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure. ...

2100 AUTHORITY TO REQUIRE PARKING FACILITIES ...

2100.5 No additional parking spaces shall be required for a historic landmark or a building or structure located in a historic district which is certified by the State Historic Preservation Officer as contributing to the character of that historic district.

2100.6 When the intensity of use of a building or structure existing before May 12, 1958, is increased by an addition or additions of employees, dwelling units, gross floor area, seating capacity, or other unit of measurement specified in §2101, parking spaces shall be provided for the addition or additions, subject to §§2100.7 through 2100.9. ...

3202 BUILDING PERMITS ...

3202.3 Except as provided in § 2516 and the Act of Congress of June 28, 1898 (30 Stat. 520, chapter 519, §5) a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record;

except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure. ...