**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**OF THE DISTRICT OF COLUMBIA**

**NATIONAL CHILD RESEARCH CENTER**

**BZA APPLICATION NO. 16970**
**Public Hearing: May 6, 2003**
**ANC 3C**

RECEIVED
D.C. OFFICE OF ZONING
2003 APR 22 PM 1:52

# SUPPLEMENTAL STATEMENT OF THE APPLICANT

In this application, NCRC is seeking two areas of relief: special exception relief under section 205 for its child development center/nursery school and variance relief from sections 2100.6 (parking) and 3202.3 (principal structure.) This prehearing submission supplements the prehearing submission previously filed on January 28, 2003 and incorporates by reference all of the testimony and exhibits of record.

## CASE HISTORY/BACKGROUND

When the case was heard by the BZA on February 11th, a number of preliminary issues were decided. Specifically, the BZA denied a Motion to Dismiss the application for failure to comply with prior BZA conditions. The BZA found that the prior order did not contain a specific condition limiting the number of children at the school. (Transcript, pp. 271, 280, 284.) At that time, the BZA also determined the parties who would participate in the case. The case was continued until February 25th and all parties were asked to address the issue of whether additional relief was required for a second principal structure on a single record lot.

At the hearing on February 25th, the BZA decided that additional variance relief was needed from Section 3202.3 in order to permit a second principal building on a single record lot and NCRC agreed to amend its application accordingly. During that discussion, Corporation Counsel also advised the BZA that the relief would be an area variance. (Tr. p. 267.) As to the issue of whether variance relief was required from the parking requirement, the BZA did not decide the issue but was awaiting the decision of the Zoning Administrator. As of this writing, the Zoning Administrator has not ruled on that issue. Instead, NCRC advertised the case in the alternative and in this submission is demonstrating that it is entitled to the exemption under Section 2100.5 or, if that is not granted, to the variance.

At the time of the initial hearings, DDOT had filed a report that did not support the application due to five transportation safety concerns and recommended that NCRC modify its Transportation Management Plan (TMP) to safely accommodate the existing enrollment level and proposed future expansion. Subsequent to the hearings, NCRC met with DDOT and made several changes to its TMP to address DDOT's concerns. DDOT has now filed a report analyzing several alternatives, including NCRC's modified TMP, and stating that "these options can have a positive influence on the existing transportation safety conditions." DDOT's report

BZA
Case No. 16970
Exhibit No. 137

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.137

also states that the Department is strongly considering Option #4 (making Highland Place one way) "as the most direct means of addressing the existing transportation safety concerns on Highland Place." (See DDOT's April 14, 2003 report.) NCRC supports DDOT's recommendation to make Highland Place one way. As discussed below, NCRC also proposes to implement the changes to its TMP that are within its control in order to provide an interim mitigation measure until Highland Place is one-way.

At the time of the initial hearings, OP filed a report recommending denial and suggested that the applicant and neighboring residents continue to work with DDOT to resolve the traffic issues. OP stated that if additional information were submitted by DDOT, the applicant and neighbors, it would consider whether to modify its recommendation. In its report, OP also noted that it was still awaiting information from several agencies. The additional agency report from the DOH has now been filed with OP, as has DDOT's new report. As part of this submission, NCRC is filing additional information.

Also in the record is a letter in support of the application from the District of Columbia's Department of Human Services, Office of Early Childhood Development, which points out the number of children in the District of Columbia who are on waiting lists for licensed child care centers, including 689 in Ward 3, alone, and which supports NCRC's programs and expansion plans. (See the attached Exhibit L.) As the letter states, "During its 70+ years of operation, NCRC has always provided an important and valuable service to the residents of the District of Columbia" and its current application "should be supported by all branches of the District of Columbia Government."

## REVIEW OF PROPOSED PLANS

For the last 73 years, NCRC has provided its excellent preschool program within the same amount of space. It has done so even though the program has changed over time in response to the needs of the children of the community. During the 1980's, the school maintained a stable, total enrollment of between 141 and 145 students. Some students attended in the morning and some in the afternoon. In 1990, research in several areas brought about changes to NCRC's program. The first of these was the idea that early intervention could make a big difference in a child's later school success. To that end, NCRC added its inclusion program for children with special needs and lowered its entry age to two and one-half years. This brought enrollment to a total of between 167 and 171 children and it has remained the same since. NCRC also added staff to work with the children with special needs, as well as their parents and teachers. It now has a full-time speech therapist, a part-time occupational therapist, and a counselor.

Additional research in the area of motor development also influenced NCRC's program. NCRC learned that motor activities improve not only physical development but brain development for later learning. Accordingly, it hired a part-time motor teacher to carry out the goals of this program.

NCRC now plans to add two additional classrooms and indoor motor space for its children as well as a combined music room/library. The plans for the new space have been reviewed and approved in concept by the Historic Preservation Review Board.

There are several advantages to the new plan:

(1) By adding two additional classrooms, it will allow NCRC to reduce the number of students in each class.

(2) Ten new spaces will open up at the school for students.

(3) By eliminating classrooms from the third floor of the existing building and by adding an elevator, NCRC is able to provide greater access and accommodations for its "special needs" students.

(4) The indoor activity space provides an opportunity for students to play indoors during inclement weather and motor activity has been demonstrated to have a significant impact on a child's intellectual development.

(5) The building location and design maximizes the amount of open space on the site by providing 80% open space even though only 60% is required.

(6) The school can continue to be an important community and city resource for all residents.

NCRC's inclusion program for children with special needs is unique in that it begins at age two and one-half, and its approach includes having the therapists on staff and working in the classrooms. Based on research, early intervention for these children is vital for their development. NCRC places two to three children with special needs in each classroom along with more typically developing children. NCRC serves a wide range of children with special needs, including children with autism, Down syndrome, cochlear implants, blindness and language problems. (See the attached Exhibit A for a complete description of the school's special needs program.)

Over the last school year, NCRC enrolled 24 students with special needs in its preschool program. During that same time period, NCRC had to turn away 29 children with special needs because of a lack of space. In addition, NCRC also had to turn away 234 of its "typically developing" children because of a shortage of space. Thus, there is a critical need for the services NCRC provides. Nonetheless, in order to balance the needs of the children in the larger DC community with the needs of its neighbors, NCRC has agreed to limit its enrollment to 10 additional students (compared to its enrollment for the 2002-2003 school year).

Presently, NCRC has a total enrollment of 171 students in its morning and afternoon programs. This application requests an increase to 181, with 2% flexibility. NCRC will agree to a specific condition limiting the total enrollment to 181 (185 with the two percent flexibility) as well as a condition limiting the total number of students at any one time to 120. Even though the

new classroom space could accommodate up to 150 students at any one time, NCRC agrees to limit the number to 120 and to continue its tradition of smaller class sizes.

## SPECIAL EXCEPTION RELIEF UNDER SECTION 205

Section 205 of the Zoning Regulations permits a child development center/nursery school use as a special exception in residential districts provided certain requirements are met. NCRC meets those requirements.

### Burden of Proof

The D.C. Court of Appeals has determined that:

> Special exceptions, unlike variances, are expressly provided for in the Zoning Regulations. The Board's discretion to grant special exceptions is limited to a determination whether the exception sought meets the requirements of the regulation. The burden of showing that the proposal meets the prerequisite enumerated in the particular regulation pursuant to which the exception is sought rests with the applicant. In sum, the applicant must make the requisite showing, and once he has, the Board ordinarily must grant his application.
>
> Glenbrook Road Association v. D.C. Board of Zoning Adjustment, 605 A. 2d. 22, 30 (D.C. 1992), quoting Stewart v. D.C. Board of Zoning Adjustment, 305, A. 2d 516, 518 (D.C. 1973).

### Specific Standards Under Section 205

**Section 205.2: The Center Shall be Capable of Meeting All Applicable Code and Licensing Requirements**

NCRC has been in continuous operation as a licensed child development center since 1930. It is licensed by the DC Department of Health. (DOH)

Its current license permits 108 students in the morning program and 108 in the afternoon program. (See DOH report attached as Exhibit K.)

With two additional classrooms, it will be able to accommodate 150 students at any one time. (See DOH report attached as Exhibit K.)

NCRC has agreed however, to limit the number of students to 120 at any one time. (See applicant's proposed conditions.)

DOH has no objection to the application. (See DOH reports in the record.)

**Section 205.3: The Center Shall be Located and Designed to Create No Objectionable Traffic Conditions and No Unsafe Condition for Picking Up and Dropping Off of Children.**

The Center has been in continuous operation since 1930 with no history of accidents or safety issues.

The current system includes the use of walkie talkies and school personnel with orange vests to ensure smooth operation of the pick up and drop off of children on Highland Place.

Future changes to its TMP include the following:

- Staggered drop off times in the morning to reduce the number of cars at any one time.
- Use of two uniformed personnel during the morning peak time to monitor the carpool operation and to identify any NCRC staff or parents who do not comply with the school's TMP.
- Use of stickers on NCRC cars to clearly identify them and to distinguish them from users of the Cleveland Park Club or commuters who park and use Metro.

NCRC will implement these changes in the fall of 2003 to further ensure that there will be no objectionable or unsafe conditions.

Once the new building is in place on Ordway, traffic on Highland will be reduced since more children will be using the Ordway Street entrance.

Additionally, DDOT is strongly considering making Highland Street one-way which will further improve traffic operations.

**Section 205.4 The Center Shall Provide Sufficient Off-Street Parking Spaces to Meet The Reasonable Needs of Teachers, Other Employees and Visitors.**

Since NCRC is a contributing building within the Cleveland Park Historic District, it believes that it is exempt under Section 2100.5.

In the event the BZA disagrees, the parking variance is discussed below.

**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.**

NCRC is unaware of any objectionable impacts from or any complaints regarding its outdoor play space area. The area is large and well-removed from neighbors.

NCRC's playground also provides a community amenity in that it is used by neighborhood residents after 3:30 in the afternoon on weekdays and all day weekends and holidays.

New mechanical equipment has been located within the mansard roof walls.

**Section 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.**

No special treatment is required. The property is of significant size, with substantial open space and has adequate screening.

The HPRB has reviewed and approved the design as compatible with the historic district and site.

Even with the new construction, the site will only be at 19.8% lot occupancy, whereas the regulations permit a lot occupancy of 40%.

Over 80% of the site will continue to be devoted to open space.

**Section 205.7 Any Off-Site Play Area Shall be Located So as Not to Result in Endangerment to the Children.**

NCRC does not use an off-site play area.

**Section 205.8 The Board May Approve More Than One (1) Child Development Center in a Square or Within 1000 Feet of Another Only When The Board Finds Certain Conditions Have Been Met.**

There is no other child development center within the square or within 1000 feet.

## PARKING EXEMPTION UNDER SECTION 2100.5

Section 2100.5 of the Zoning Regulations was adopted by the Zoning Commission in order to exempt historic structures from providing additional parking when the use is changed. The intent of this section is to encourage the renovation and adaptive reuse of historic structures without impeding that adaptive reuse by requiring the structures to provide parking. The specific language is as follows:

> 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.

On February 7, 2003, the State Historic Preservation Officer certified that NCRC's property, which consists of Lot 30 in Square 2072, is "either a historic landmark or a building or structure contributing to the character of a historic district listed in the DC Inventory of Historic Sites." (See the certification attached as Exhibit H.) The certification applies to the entire site, not to any individual building on the site, or to any particular portion of the site. Indeed, all of the new construction on the site was required to be reviewed and approved by the Historic Preservation Review Board ("HPRB") in order to determine whether the alterations and rear addition to the 1905 Colonial Revival house, as well as the carriage house addition, would be consistent with the purposes of the Historic Preservation Act.

On January 23, 2003, the HPRB gave its approval of the conceptual design and adopted the staff report, a copy of which is attached as Exhibit J. In that report, as well as in the pages of the hearing transcript on the application, it is clear that the HPRB looked to the entire site to determine whether the proposed additions and new construction were 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. The transcript makes equally clear that topography is an important component of the Cleveland Park Historic District and that the HPRB was looking at the general architectural compatibility of the additions with the site, the contour and historic topography of the site, the relationship of the new building to the "magnificent central house" and the overall compatibility of the new construction.

Based on the decision of the HPRB, the hearing testimony, and the certification by the State Historic Preservation Officer, it is clear that the site qualifies for the exemption under section 2100.5. Accordingly, no additional parking spaces are required.

This exact issue was raised in connection with the BZA case for The Atlantic Building, located at 920, 922-924, 926, 938, 940 and 942 F Street, NW. In that case, the new construction consisted of all but the facades of the four eastern buildings and the retention of three western buildings. Notwithstanding that the new construction involved seven different buildings, and would contain substantially more floor area than the existing construction, the new construction was considered an addition, and the Board approved the exemption under section 2100.5. As the record in that case indicates, the Zoning Administrator has consistently applied the language of this provision and it has been uniformly applied to all qualifying properties without regard to the

degree of increase in intensity.[1] There is nothing in the cited section or in any other provision of the regulations which limits the size of the increase or authorizes the Zoning Administrator to determine that parking would be required for some additions and not others. (Compare this section to 2100.7 and 2200.7, which differentiate increases in intensity above and below 25% for non-historic buildings.)

Even though no parking spaces are required, NCRC has developed a plan that shows the location of three parking spaces on the side of the house. This design aims for minimal impact on the historic site. These parking spaces are shown in response to a suggestion by the Office of Planning. Even though these parking spaces are not required, NCRC proposes to request that the HPRB approve these parking spaces in order to provide some parking to address OP and neighborhood concerns. Whether or not these spaces can be provided on site is up to the Historic Preservation Review Board, which has final authority under the Historic Preservation Act. This plan would be filed as part of the final permit application for review and approval by the HPRB after the BZA has taken action on this application. If the HPRB does not approve the location of these parking spaces, it would have no effect on the school's zoning approval since the parking is not required under either section 2100.5 (exemption) or under the variance relief test discussed below.

## VARIANCE RELIEF FROM THE PARKING AND PRINCIPAL STRUCTURE REQUIREMENTS OF THE REGULATIONS

### The Requested Variances are Area Variances

There are two categories of variances: area and use. The D.C. Court of Appeals addressed the difference between these types of variances in Association for the Preservation of 1700 Block of N Street, N.W., and Vicinity, et al. v. District of Columbia Board of Zoning Adjustment, 384 A. 2d 674. In that case the Court determined that:

> The distinction between a use variance and an area variance is that the former "permits a use other than that prescribed by the zoning ordinance" whereas an "area variance has no relation to change of use. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance." (citing 2 Anderson, American Law of Zoning § 14.07 (1968), quoting in part *Alumni Control Board v. Lincoln*, 179 Neb. 194, 137 N.W. 2d 800, 802 (1965)).

---

[1] The Board's discussion of this issue can be found in the Public Hearing Transcript of July 2, 2002. Attached as Exhibit B is a copy of BZA Order No. 16892 which approved The Atlantic Building and did not cite the need for variance relief from the parking requirement. Also attached are copies of the BZA orders for Applications 16631 and 16681, which similarly found that the parking exemption applied to the entire historic site without any need to evaluate intensity of use.

Since a child development center is a permitted use, the requested relief is an area variance.

**The Burden of Proof**

A three prong test must be satisfied in order for an area variance application to be approved. In order to grant the request, the BZA or Zoning Commission must find that:

- As a result of exceptional narrowness, shallowness or shape of the specific property or by reason of an exceptional topographic condition or other extraordinary or exceptional situation or condition on the property;
- The strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties upon the owner of the property; and
- Granting the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the Zoning Regulations.

**The Test is Met**

1) The NCRC property is unique by reason of its exceptional size, shape, topography or other extraordinary and exceptional situation or condition.

- The NCRC property is located in the Cleveland Park Historic District, which has written into its designation the contour and historic topography of the district.
- The NCRC property is the largest site in the neighborhood by a substantial amount, comprising 45,000 square feet.
- The site is also unusual in that it is a through lot with significant grade changes from Highland Place, which is up on a hill, to Ordway Street, which drops significantly.
- The site is also unusual in that it is improved with three existing buildings, two of which are deemed contributing to the district – the 1905 main building (a Colonial Revival house) and the 1915 playhouse. The D.C. Court of Appeals held in *Clerics of St. Viator v. D.C. Board of Zoning Adjustment,* 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that "property generally includes the permanent structures existing on the land." *Id.* at 293-294
- The NCRC property is unusual in that it includes a very large playground and significant open space. Even with the construction of the proposed new structure, over 80% of the site will continue to be devoted to open space.

- HPRB has granted conceptual design approval for the proposed renovation and new construction to the existing buildings and site.

2) By reason of the aforementioned unique or exceptional condition of the NCRC property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty upon the owner of the property.

- NCRC has used the entire property since 1930 as a child development center. NCRC has always utilized the multiple buildings on the NCRC property for child development center use without being required to have separate record lots for each building.

- In 1998, NCRC obtained special exception relief to increase its certificate of occupancy and was not required to obtain variance relief from §3202.3 at that time. Both the main house and the playhouse were existing in a single record lot at that time and both were used for school use.

- NCRC originally proposed to construct the carriage house as an addition to the existing playhouse which, under the Zoning Regulations, would not require variance relief. The HPRB staff recommended visual separation of the buildings above grade and the HPRB recommended further that the connector piece be eliminated. (See Exhibit I, HPRB January 23, 2002 Transcript, p. 90.) This action separates the building and creates the need for the variance relief.

- In other cases, the Office of Planning and the BZA have found that applications that are subject to historic preservation requirements and other obligations carry burdens significantly in excess of a typical development, thus satisfying the "practical difficulties" standard for an area variance. (BZA Applications Nos. 16892, 16681, 16631.)

- Requiring NCRC to create separate record lots for each of the principal structures on the property will result in an exceptional practical difficulty in that it will require the "carving – up" of this large, predominantly open and wooded lot in a historic district. Each of these lots would be required to satisfy all applicable zoning requirements, including lot occupancy, side yard and rear yard requirements. Satisfaction of these requirements not only pose an exceptional practical difficulty for NCRC, but would also very likely diminish the open and wooded setting that currently exists on the site.

- NCRC currently does not have any parking spaces on the property. The creation of parking spaces will result in numerous negative impacts on the property including the removal of grass and wooded areas, the loss of pervious ground cover, and potential negative aesthetic impacts.

- In the 1998 BZA case, the Board of Zoning Adjustment determined that variance relief from this section was not necessary, and stated in its Order No. 16307 that, "The Board determined that a parking variance is not needed based on subsection

2100.5 of the Zoning Regulations which exempts such historic structures from providing additional parking when the use is changed."

3) Granting the variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

- NCRC's satisfaction of the special exception requirements to operate a child development center in the R-1-B District (§205 and 3104.1), including the proposed conditions of approval that have been submitted by NCRC, evidence that the proposed continued use of the NCRC property for a child development center will satisfy this standard.

- The requested variances would permit continued use of this site as a school to which it has been devoted for more than 70 years.

- The requested variance would also permit renovation and reuse of contributing buildings in an historic district and help preserve the open space and topography of the site.

## WITNESSES

In support of this application, NCRC expects to call the following witnesses:

1. Susan Piggott, Director of NCRC
2. Alexa Halaby, Parent and Trustee
3. Charles E. Anthony, Architect of the Project
4. Osborne George, Traffic Consultant
5. Pedro Alfonso, Parent and Trustee-elect

Outlines of their testimony are attached hereto as Exhibit F.

## EXHIBITS IN SUPPORT OF APPLICATION

In addition to the exhibits previously filed in the record, the Applicant submits the following exhibits in support of its application:

| | |
|---|---|
| Exhibit A | Description of NCRC Special Needs Program. |
| Exhibit B | Copies of precedent BZA orders in which the parking exemption under section 2100.5 has been granted. |

| | |
|---|---|
| Exhibit C | Site map showing the NCRC site, as well as the location of other non-residential (institutional and commercial) uses in the surrounding vicinity. |
| Exhibit D | NCRC Revised Transportation Management Program. |
| Exhibit E | Supplemental Traffic Report by Osborne George. |
| Exhibit F | Outlines of witnesses' testimony. |
| Exhibit G | Revised site plan showing proposed location of three parking spaces. |
| Exhibit H | HPRB Certification under Section 2100.5. |
| Exhibit I | Selected portions of January 23, 2003 HPRB hearing transcript. |
| Exhibit J | HBRP Staff Report. |
| Exhibit K | DOH Reports |
| Exhibit L | Department of Human Services Letter in Support |

## CONCLUSION

As demonstrated above, and as the testimony at the public hearing will address, the application meets the criteria set forth in section 205 for special exception approval, as well as the variance requirements from sections 2100.6 and 3202.3; in the alternative, the application is entitled to the exemption from the parking requirements under section 2100.5. The school has demonstrated that the relief sought is in harmony with the general purpose and intent of the Zoning Regulations, and that it will not adversely affect neighboring properties. Accordingly, NCRC respectfully requests that the Board of Zoning Adjustment approve this application.

Respectfully submitted,

Maureen E. Dwyer

Paul A. Tummonds

## CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2003 a copy of the foregoing Supplemental Statement of the Applicant was sent by first class mail, postage prepaid, to the following parties:

Advisory Neighborhood Commission (ANC) 3C
c/o Nancy MacWood, Chairperson
3417 Woodley Road, N.W.
Washington, D.C. 20016

The Friends of NCRC
c/o Anne Large
3520 35th Street, N.W.
Washington, D.C. 20016

The Cleveland Park Neighbors
c/o Richard Nettler, Esq.
Robins, Kaplan, Miller & Ciresi, LLP
Suite 1200
1801 K Street, N.W.
Washington, D.C. 20006

Katharine Marshall
3208 Highland Place, N.W.
Washington, D.C. 20008

Gaylord Neely & Linda Badami
3207 Highland Place, N.W.
Washington, D.C. 20008

Henry P. Little
The Nature Conservancy
201 Mission Street, 4th Floor
San Francisco, CA 94105

Sallie R. Beckner and R. Bruce Beckner
Fleishman and Walsh, LLP,
1400 16th Street, N.W.
Washington, D.C. 20036

Steven R. Hunsicker
Baker Botts, LLP
The Warner
1299 Pennsylvania Avenue, NW
Washington, DC 20004



Maureen E. Dwyer

Document #: 1306766 v.2

## Special Needs

The National Child Research Center provides an inclusion program for children with special needs. Based on research, early intervention with these children is vital for their development. Two to three children with special needs are enrolled in each classroom along with other typically developing children. We define children with special needs as any child who exhibits more than a six month developmental delay in one or more of the following domains:

- Language
- Physical
- Cognitive
- Social-Emotional

The Center serves a wide range of children with special needs including children with autism, Down syndrome, cochlear implants, blindness, and language problems.

Children sometimes come to the Center with completed evaluations. Other children are evaluated by the Center using the Brigance developmental assessment tool.

Children with severe disabilities receive and Individual Educational Plan (IEP) upon entrance to the school which is updated four times each year and shared with parents. Children with moderate disabilities have an Action Plan that is updated whenever necessary and that is also shared with parents.

Special features of the inclusion program:

- Parent support groups
- Home visits
- Toilet training not required
- 99% Financial Aid provided if necessary
- Motor teacher, occupational therapist, speech therapist, and counselor on staff
- Special equipment
- Occupational and speech therapy rooms
- Adaptation of the program
- Experienced, degreed teachers

**Number and percentage of children with special needs over the past five years:**

| | | |
|---|---|---|
| **2002 – 2003** | **24** | **14%** |
| **2001 – 2002** | **22** | **13%** |
| **2000 – 2001** | **25** | **15%** |
| **1999 – 2000** | **21** | **13%** |
| **1998 – 1999** | **23** | **13%** |

**Percentages are projected to be in the same range in the future**

**Number of children NCRC has turned away in the past five years:**

| | Typically developing | Special needs |
|---|---|---|
| **2002** | 234 | 29 |
| **2001** | 205 | 24 |
| **2000** | 141 | 20 |
| **1999** | 134 | 20 |
| **1998** | 93 | 17 |

# One Less Obstacle

Each day more than 2,000 D.C. schoolchildren who need special education are bused to private schools, many more than an hour's ride from their homes. For children with severe mental and physical disabilities, this can be an arduous trip, which is why providing special education for these children in the city is an urgent priority for D.C. Public Schools.

Doing this entirely within the public school system, however, isn't feasible now. Remodeling, renovating and building facilities to accommodate these students will take years. Meanwhile, the school system has been identifying private schools that provide superior special education and joining with them to develop schools in the city. The system has asked the city's private schools to expand their capacity to educate special-needs students and has encouraged private providers outside the District to consider relocating to the city.

For example, St. Coletta's, an Alexandria school nationally recognized for excellence in special education, is going to open a campus in Southeast. The District now transports more than 70 students with severe and profound disabilities to St. Coletta's Alexandria campus. Having these students stay in the District will ease the travel burden on the children and their parents. It also will ease the financial burden on the District. Busing special-needs students costs more than $16,000 annually per student, a cost that will be much reduced when St. Coletta's opens its D.C. campus.

The new school, which will be near the Stadium-Armory Metro stop, will make it easier for parents to become involved in the school lives of their children, a critical component of educational success, especially in special education. The neighborhood will benefit from the school's presence, too, because many of St. Coletta's facilities, such as its gymnasium and meeting spaces, will be available to the public after school hours and on weekends.

St. Coletta's has extensive experience in training special education teachers, and it will train D.C. public school teachers and share its expertise in assisted technology and student assessment. The District also is looking at establishing a resident teacher program with St. Coletta's. Through these and other initiatives, St. Coletta's director, D.C. resident Sharon Raimo, has been a strong advocate for these children and has demonstrated her commitment to helping the D.C. system provide special education and care close to home.

In the past 10 years, the number of D.C. schoolchildren identified as having special education needs has increased tremendously. Many of these children come from the city's most economically deprived neighborhoods. Every day, these children and their parents face obstacles that many of us can scarcely imagine. By freeing these children from long bus rides and educating them in the District, we will remove one obstacle from their difficult path.

*—Raymond Bryant*

*is the chief of D.C. Public Schools' Office of Special Education Reform.*

*ray.bryant@k12.dc.us*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

**Application No. 16631 of Alliance Francaise**, pursuant to 11 DCMR § 3104.1 for a special exception for a private school (with a maximum of 70 students and 10 teachers at any given time) under section 206, and pursuant to subsection 3103.2 a variance to allow a staff and teacher residence on the second story of an accessory garage under subsection 2500.5 in an R-3 District at premises 2142 Wyoming Avenue, N.W. (Square 2528, Lot 203).

**HEARING DATE:** November 13, 2001
**DECISION DATE:** November 13, 2001 (Bench Decision)

## SUMMARY ORDER

## REVIEW BY THE ZONING ADMINISTRATOR

This application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1D, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 1D. ANC 1D, which is automatically a party to this application, submitted a letter in conditional support of the application. The Office of Planning recommended conditional approval of the application.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception and variance from the strict application of the requirements of 11 DCMR §§ 3104.1, 206, 3103.2, and 2500.5. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 for a special exception under Section

206, which 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 further concludes that the applicant has met the burden of proving a variance under 11 DCMR §§ 3103.2 and 2500.5, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. The apartment shall only be used by a staff person.

2. The apartment on the top floor of the building shall be voided.

3. The maximum number of students and visitors to the site at any one time shall not exceed 70.

4. The maximum number of teachers and staff at any time shall not exceed ten.

5. The Applicant shall return to the Board of Zoning Adjustment to update the approved special exception when the stated total number of students, teachers, and staff at any one time is anticipated to increase by 10 percent.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE:** **4-0-1** (Anthony J. Hood, Anne M. Renshaw, David W. Levy and Geoffrey H. Griffis to Approve, the third mayoral appointee not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**
Each concurring member has approved the issuance of this order.

**ATTESTED BY:** _____
**JERRILY R. KRESS, FAIA**
**Director**

**Final Date of Order:** NOV 29 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

*rsn*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 16631**

As Director of the Office of Zoning, I hereby certify and attest that on NOV 2 9 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Laurent Mellier
Executive Director
Alliance Francaise
2142 Wyoming Avenue, N.W.
Washington, D.C. 20008

Lance P. Salonia, Chairperson
Advisory Neighborhood Commission 1D
P.O. Box 53342
Washington, D.C. 20009

Lance P. Salonia
Single Member District Commissioner 1D01
Advisory Neighborhood Commission 1D
P.O. Box 53342
Washington, D.C. 20009

Jim Graham, City Councilmember
Ward One
1350 Pennsylvania Avenue, N.W.
Suite 406
Washington, D.C. 20004

Toye Bello
Acting Zoning Administrator
Building and Land Regulation
Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

**ATTESTED BY:**

**JERRILY R. KRESS, FAIA**
**Director**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

**Application No. 16681 of Square 456 Associates** pursuant to 11 DCMR § 3104.1 for a special exception from the roof structure requirements of subsection 411.11 not meeting the set back provisions of subsection 770.6(b), and 11 DCMR § 3103.2 for variances from the residential recreation space requirements of subsection 773.3, and the court area requirements of subsection 776.4, to allow construction of a residential building containing 33 units with ground floor arts and retail space in a DD/C-4 District at premises 501-507 7th Street, N.W. (Square 456, Lots 37 and 39).

**HEARING DATE:** March 13, 2001
**DECISION DATE:** March 13, 2001 (Bench Decision)

## SUMMARY ORDER

**SELF-CERTIFIED**

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR 3113.2.

The Board provided proper and timely notice of the public hearing on this application, by publication in the D.C. Register and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2C and to owners of all property within 200 feet of the property that is the subject of this application..

The subject property is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to the application, did not participate in this application.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR § 411.11 and a variance from the strict application of the requirements of 11 DCMR §§ 770.6(b), 773.3 and 776.4. No person or entity appeared as a party at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board received certain requested corrections to the architectural drawings and closed the record at the conclusion of the hearing, except to allow the applicant to submit the resume of David Mayhood, expert witness in residential development testifying on behalf of the applicant. The Board received the resume into the record.

Based upon the record before the Board and having given great weight to the Office of Planning's report filed in this case, the Board concludes that the applicant has met the burden of proof under 11 DCMR § 3104.1, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use

of neighboring property in accordance with the Zoning Regulations and Map. The Board also concludes that the applicant has met its burden of proof pursuant to 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Prior to the issuance of the building permit, the applicant shall record a combined lot development covenant, pursuant to § 1709 of the Zoning Regulations, for the properties within Square 456 known as Lots 37, 39, and that portion of Lot 40 previously known as Lots 868 and 869, as adjusted, to achieve a composite floor area ratio for the entire development.

2. The applicant shall provide a minimum of 708 square feet of residential recreation space on the first cellar level of the building.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 4-0-1** (Robert N. Sockwell, Susan Morgan Hinton, Sheila Cross Reid and Anne M. Renshaw to grant a special exception from the roof setback provisions of 11 DCMR § 770.6(b); John Parsons not present, not voting);

**VOTE: 4-0-1** (Robert N. Sockwell, Susan Morgan Hinton, Sheila Cross Reid and Anne M. Renshaw to grant a variance from the court area requirements under 11 DCMR § 776.4; John Parsons not present, not voting);

**VOTE: 3-1-1** (Robert N. Sockwell, Sheila Cross Reid, Susan Morgan Hinton, to grant a variance from the residential recreation space provisions of 11 DCMR § 773.3; Anne M. Renshaw to deny; John Parsons not present, not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member has approved the issuance of this Order.

**ATTESTED BY:** _____
**Jerrily R. Kress, FAIA**
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** APR 1 8 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 16681**

As the Director of the Office of Zoning, I hereby certify and attest that on APR 18 2001, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr. Esq.
Holland & Knight, LLP
2100 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20006 – 6801

Doris L. Brooks, Commissioner
Single Member District 2C03
612 Emmanuel Ct, N.W., #204
Washington, D.C. 20001

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
First and Pierce Streets, N. W.
Terrell Junior High School
Washington, D.C. 20001

Michael D. Johnson, Zoning Administrator
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D. C. 20002

Jack Evans, Councilmember
Ward Two
441 4TH Street, N.W., Room 703
Washington, D.C. 20001

Ellen McCarthy, Deputy Director
Development Review Division
Office of Planning (4TH floor)
801 North Capital Street, N.E.
Washington, D.C. 20002

**ATTESTED BY:** _____
**Jerrily R. Kress, FAIA**
**Director, Office of Zoning**

Att/VCE

# GOVERNMENT OF THE DISTRICT OF COLUMBIA
# BOARD OF ZONING ADJUSTMENT

**Application No. 16892 of Jemal's Ford LLC, et al**, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 771, a variance from the Downtown Development District parking and loading access restrictions under subsection 1701.4(c), and a variance from the residential recreation space requirement under section 773, and pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure provisions under subsection 411.11, to allow the construction of a ten (10) story mixed use building (office, residential, retail and arts uses) in the DD/C-4 District at premises 920-942 F Street, NW (Square 377, Lots 35, 819, 820, 821, 852, 853, and a portion of a public alley to be closed).

**HEARING DATE:** July 9, 2002
**DECISION DATE:** July 9, 2002[1], July 23, 2002

## SUMMARY ORDER

**SELF-CERTIFIED**

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2C, which is automatically a party to this application, and which submitted a letter in support of the application. The D.C. Office of Planning submitted a report in conditional support of the application. The D.C. Division of Transportation submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for special exception under §§ 411.11, and pursuant to § 3103.2 for variance pursuant to §§ 771, 773, 1701.4(c). One person, Ms. Sally Blumenthal of the National Park Service, testified in opposition to the Applicant's request for variance relief from § 1701.4(c), to allow parking and loading access from 10th Street, NW. No other person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

[1] At the conclusion of the public hearing on July 9, 2002, the Board voted to approve the Applicant's request for variance relief from floor area ratio limitation, §771, and the request for roof structure special exception under §§411.11. The Board determined to hold a Special Meeting on July 23, 2002 to resolve the remaining outstanding requests for variance relief, namely from the parking and loading access restrictions of the Downtown Development District, §1701.4(c), and from the residential recreation space requirements, §773.

Based upon the record before the Board and having given great weight to the ANC, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board also concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**, with the following **PROVISIONS** and **CONDITIONS**:

1) The parking access to the building shall be provided from 10th Street, NW, and loading access shall be provided from the alley, in accordance with Scheme 6A of the revised plans submitted by the Applicant as part of its post-hearing submission on July 16, 2002, found at Exhibit 46 of the record.

2) The Applicant may modify the design of the building subject to approval under D.C. Law 2-144, provided that those changes do not increase the degree of special exception and variance relief granted by the Board of Zoning Adjustment;

3) The Applicant may reduce the height of all or part of the roof structure with the approval of the Historic Preservation Review Board.

4) The Applicant shall provide at least 6,000 square feet of new residential space, including the minimum square footage of residential recreation space required by the Regulations, at the Subject Property or at some other location within a two-block radius north, south, or east of the Subject Property. If the residential space is located on the Subject Property, the residential recreation space shall be provided on the Subject Property, at 912-916 F Street, N.W., or at 919 F Street, N.W. If the residential space is provided at a location other than the Subject Property, as permitted above, the residential recreation space shall be located on the same property as the residential space.

5) The residential recreation space need not comply with the requirement of § 773.8 of the Regulations.

Pursuant to 11 DCMR § 3101.6 the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: (4-0-1)** Taken on July 9, 2002 re: variance relief from § 771, Floor Area Ratio, and special exception, §§ 411.11: (Geoffrey H. Griffis, John G. Parsons, Curtis L. Etherly, Jr., and David A. Zaidain to grant. Anne M. Renshaw, not present, not voting.)

**VOTE: (4-0-1)** Taken on July 23, 2002 re: variance relief from § 773, Residential Recreation Space , and from § 1710.4(c), DD Parking and Loading Access: (Geoffrey H. Griffis, John G. Parsons , Curtis L. Etherly, Jr., and David A. Zaidain to grant. Anne M. Renshaw not present, not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**
Each concurring Board member has approved the issuance of this order.

**FINAL DATE OF ORDER:** AUG 2 3 2002

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OF THE D.C. CODE. SEE D.C. CODE SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA,

IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS. rsn


809
NCRC Site
Nonresidential uses (institutional, Commercial, private club)

# NCRC PROPOSED MODIFICATIONS TO TRANSPORTATION MANAGEMENT PLAN

Background: The existing Transportation Management Plan ("TMP") was put in place by the BZA in its 1998 approval of NCRC's special exception. At that time, ANC 3C met with NCRC and community residents and developed a set of conditions for traffic management, all of which were included by the BZA in its order and all of which have been implemented by NCRC (with the exception of the parking restrictions on Ordway Street which were initially enacted but were later removed by DDOT after receiving complaints from neighboring residents.) These conditions include the placement of cones identifying the carpool lanes, the use of walkie-talkies to ensure efficient carpool operation, and other measures.

DDOT recently conducted field inspections of the current TMP and asked NCRC to coordinate with DDOT improvements to its TMP so as to provide a safe circulation plan for the drop-off and pick-up of students. Accordingly, NCRC is proposing the following changes to its TMP to ensure that both the existing and future use of the school will not result in any objectionable or unsafe conditions.

## CHANGES TO EXISTING OPERATION ON HIGHLAND PLACE:

Drop-Off and Pick-Up of Students

1. In order to avoid peaking of morning arrivals, NCRC will stagger arrival of students by scheduling the start of classes at approximately 10 minute intervals between 8:25 and 8:45 a.m. For the 2003-2004 school year, NCRC will have 1/3 of the students come at each of the ten minute intervals based on the age of the children. After the completion of the proposed addition to the School, NCRC will also base the required arrival times on whether a student remains at the School for the entire day or for a shorter period of time. Grouping the all-day students at one-time allows for a greater likelihood of carpooling.

2. NCRC will schedule all admission play sessions and prospective parent tours for non-peak times of traffic.

3. NCRC will include in all enrollment contracts a provision that the family agrees to abide by the terms and conditions of the TMP or the student may be expelled.

4. NCRC will work with DDOT to have its frontage along Highland Place be restricted parking for school use only between the hours of 8:00 a.m to 5:00 p.m. on weekdays. This will maximize the efficiency of the carpool operation by enabling NCRC to use its entire frontage along Highland Place as queuing space for carpool operations. This will double the existing amount of queuing space from 4 to 8 cars and help minimize the extension of the carpool queue into the westbound lane of Highland Place.

Monitoring of Operations on Highland Place

4. NCRC will hire two uniformed persons or off-duty police officers to monitor the daily carpool operations from 8:15 to 9:15 a.m. each morning that classes are held. If, based on DDOT and community input, conditions warrant a uniformed person or off-duty police officer to monitor student pick-up operations during the peak p.m. pick-up period, NCRC will require such additional monitoring. These individuals will have a traffic direction panel sign that will be used to regulate any waiting carpool traffic in a safe and efficient manner along Highland Place, N.W.

5. NCRC will provide identification stickers to all parents and caregivers for NCRC students so that NCRC vehicles are easily identified.

6. NCRC will maintain a list of license tag numbers for all NCRC cars so that complaints can be tracked and verified.

7. NCRC shall direct the uniformed persons hired to monitor its operations to report to NCRC administrative staff the sticker numbers and/or license tag numbers of all vehicles that do not comply with the parking and other restrictions outlined in NCRC's TMP.

Community Liaison Process

8. NCRC will designate a staff person as Traffic Liaison for the community to call with any complaints about NCRC cars.

9. NCRC will form a community Liaison Committee (which will include a DDOT representative) to meet twice a year, once during the fall and spring semesters, to address any traffic issues or community concerns.

Faculty and Staff Parking

10. NCRC will provide its staff a financial incentive to use public transportation by participating in the Metrocheck program. A question has been raised as to the possibility of requiring faculty and staff to park in a commercial parking lot. NCRC notes that there are no commercial parking lots in close proximity to the property, however, as noted in the O.R. George & Associates report, "NCRC does not generate significant parking demands on the local area roadways, particularly as they pertain to the Residential Parking Permit (RPP) provisions for the area." (See O.R. George Report at p. 19.)

11. NCRC will include in all teacher contracts a provision that the individual agrees to abide by the terms and conditions of the TMP.

**FUTURE CHANGES:**

1. The additional 10 students will not be added until the new building is constructed on Ordway Street. NCRC will direct all students with classes in the new building to use the Ordway Street entrance, rather than Highland Place. At that point in time, the number of cars using Highland Place will be reduced.

2. NCRC will continue to work with DDOT and the neighbors on the planned improvements to Ordway Street which are currently included in DDOT's 2003 budget. These improvements include; sidewalks, pavement marking and traffic calming measures. It is NCRC's understanding that DDOT will make sure that all design plans are fully and adequately reviewed by the neighboring community stakeholders and NCRC.

3. NCRC will work with DDOT to have appropriate signage installed along NCRC's Ordway Street frontage to promote the safe and efficient operation of its use. Such signage will allow for an appropriate amount of the NCRC frontage to be restricted for "standing only during school hours" for NCRC related drop-off of children and an appropriate amount of the NCRC frontage will remain for unrestricted parking.

4. NCRC is not aware of any serious traffic accidents along Highland Place. NCRC will work with DDOT and the community with regard to appropriate safety improvements that DDOT undertakes for the intersection of 34th and Newark Streets. It is NCRC's understanding that such improvements could include a striped crosswalk at this intersection as well as modifications to the traffic signal timing along 34th Street.

**SPECIAL EVENTS:**

1. For every "all-school event" (such events now include the Pumpkin Party, Community Service Day, and the Pajama Picnic), NCRC will continue to hire three uniformed persons or off-duty police officers to monitor traffic coming to the NCRC property and assure that no objectionable or unsafe conditions arise. Two of these individuals will be located on Highland Place and the third individual will be located on Ordway Street.

2. All NCRC sponsored workshops or conferences held on the NCRC property (not to exceed 3 in any 12 month period) will be held on Monday – Saturday only when school is not in session. NCRC will make arrangements for off-site parking sufficient to accommodate 30 vehicles for any such event, with transportation provided by NCRC from the off-site location to the NCRC property. NCRC will also use a uniformed person or off-duty police officer to monitor parking in the area surrounding the NCRC property on the dates of these workshops or conferences.

## PEDESTRIAN SAFETY:

1. Pedestrian safety in the area surrounding the NCRC property will be further enhanced with the more efficient operation of the carpool queue line in the expanded area of NCRC's frontage along Highland Place. Specifically:

    - There will be two uniformed persons monitoring the carpool operation, one on the eastern end of Highland Place and one on the western end of Highland Place.

    - These individuals will also be responsible for ensuring that no NCRC vehicles make u-turns or park too close to drive-ways on Highland Place.

    - These individuals will also have traffic directional panels to direct traffic and ensure pedestrian safety.

2. The proposed improvements to Ordway Street, including the construction of sidewalks on the south side of the street, will also further pedestrian safety in the area. NCRC looks forward to working with DDOT and the Ordway Street residents to encourage appropriate improvements along Ordway Street.

# O. R. GEORGE & ASSOCIATES, INC.

*Traffic Engineers – Transportation Planners*

**10210 Greenbelt Road, Suite 310 • Lanham, MD 20706-2218**
**Tel: (301) 794-7700 • Fax: (301) 794-4400**
**E-mail: orgassoc@aol.com**


## MEMORANDUM

**DATE:** March 18, 2003
**TO:** Ms. Susan Piggott, Director
NATIONAL CHILD RESEARCH CENTER
**FROM:** Osborne George
**RE:** National Child Research Center BZA Application No. 16970
Supplement Information Regarding Transportation Management Plan

## INTRODUCTION/BACKGROUND

As you will recall, the elements of *the "NCRC Proposed Transportation Plan"* were discussed in a joint meeting between the DDOT Policy and Planning Administration staff, representatives of the Cleveland Park "Neighbors" and NCRC on March 4, 2003. Minutes were not prepared, for that meeting. However, we note that the meeting was chaired by Mr. Kenneth Laden, the Associate Director, who went through each of the TMP elements, and received comments from the various interests represented. It was understood from Mr. Laden that the document and the discussions at the meeting provided his Department with information that would be generally sufficient for review and preparation of a revised referral following on DDOT's memorandum of February 5, 2003, addressed to DC Office of Zoning. It is important to note that DDOT emphasized that there are two (2) principal considerations to addressing transportation, which the Department would have with respect to the current application. These are as follows:

a) ***Management and Regulation of the Drop-off and Pick-up Activity***: These included class schedules and staffing support, drop-off and pick-up/queuing arrangements, special event schedules, and incentives to reflect more favorable transportation mode shares. *[These were addressed in substantial detail in the modified TMP submission by NCRC.]*

b) ***Roadway Re-engineering and Safety Improvements:*** These include potential improvements to the roadway and appurtenances of Highland Place and 33rd Place, and examination of safety needs for the adjacent intersection of Newark Street @ 34th Street. It also calls for greater involvement of DDOT's Policy and Planning Administration staff in defining potential urban design and traffic calming elements that could be incorporated in the prospective improvements, which are programmed for Ordway Street. *[It is understood that these comprise measures which DDOT would address principally to respond to prevailing traffic conditions within the general area, as opposed to particular issues and concerns related to the current NCRC application.]*

With respect to item (a) above, DDOT asked NCRC to quantify the reduction in net vehicle trips that is likely to result from implementation by NCRC of the modified TMP. NCRC's proposed TMP is included as Attachment 1. The purpose of this Memorandum is to provide you with information that addresses DDOT's request.

1) **Drop-off and Pick-up of Students:**

NCRC operates very specific schedules for drop-off and pickup of students. Both the current and proposed schedules are shown in Attachment 2. Please note that arrival schedules for teachers and staff are not simultaneous with those for students. NCRC proposes to stagger the morning drop off time in three (3) ten (10) minute intervals. Additionally, the restricted parking zone along its Highland Place frontage will be doubled in size to accommodate eight (8) cars waiting to drop off children.

The NCRC property has a frontage of 210 ft. ±. The westernmost 100 ft. ± adjacent to the school's play area has no parking restrictions, while the remaining 110 ft. ± is restricted during the period 8:45 AM – 4:00 PM.

NCRC's modified TMP proposes a new restriction on the school's entire 210 feet of frontage along Highland Place. This frontage would be signed for "School Use" only during weekdays between 8:00 AM and 5:00 PM. The primary goal of this proposal is to minimize the occurrence of "double standing" of vehicles on Highland Place. (DDOT has acknowledged that it is not necessary to absolutely prevent or eliminate double standing in order to create an acceptable level of safety on Highland Place.)

***While it is not practical to precisely quantify the reduction in queue lengths that will result from NCRC's modified TMP, it is clear that by doubling the amount of space in front of the school and by staggering times, there is ample space to accommodate the 16 cars that will be coming every ten (10) minutes. Further, it is reasonable to conclude that the following measures will significantly reduce vehicle queuing and impacts on other traffic using both Highland Place and Ordway Street during the peak activity periods***:

- While a school serving children of nursery-school age has fewer opportunities for carpooling than a school serving older children, the planned increase in a full-day program for older children does provide more opportunities for car-pooling than the school's current operations.

- NCRC's proposal to have uniformed personnel monitor the major drop-off clearly will better ensure appropriate driver behavior.

- The elimination of tours and play groups from the morning peak hour will further reduce the number of trips to the site. Presently there are morning tours of the school conducted during the months of October and November at 8:45 AM. There are also play groups that meet at the school beginning at 9:00 AM. The school plans to reschedule these activities so that they do not occur during the morning peak hour but instead are spread throughout the day.

**2) Cars on Highland Place – Morning Peak Period (8:25 – 8:50):**

Presently, because all of the classrooms are located in the main building, the majority of children coming to the school (70%) are dropped off and picked up on Highland Place. With the construction of the new classroom building on Ordway, parents bringing students for classes in that building will likely use Ordway for the drop-off and pick-up. This will result in a reduction in the number of cars using Highland Place, even with the additional ten (10) students. It is estimated by the school that approximately 45-50% of the students will use Ordway based on the planned size of those classrooms. This results in the following:

| | |
|---|---|
| Existing: | |
| Total Number of Cars: | 69 |
| Highland Cars (70%) | 48 |
| Proposed: | |
| Total Number of Cars: | 78 |
| Highland Cars (50-55%) | 41 |

Since Ordway is a wider street with parking on both sides, it is better able to handle the additional cars once the new building is in place. Further, DDOT's planned improvements to Ordway Street include traffic calming and safety measures to ensure that the street continues to operate safely.

***Once the new building is constructed, and even with the additional ten students, there will be a reduction in the number of cars using Highland Place from 48 to approximately 41 during the morning peak. In the interim, by staggering the arrival times on Highland and with the changes to the carpool operation on Highland Place, traffic operations should be improved appreciably over existing conditions.***

**3) Faculty and Staff Trip Generation and Parking Demands:**

NCRC has pointed out that there are "occasional changes" in its staff strength for various reasons, primarily linked to the schools' needs and related management functions. The school's current and projected staff populations are as follows:

| | Full Time | Part Time | Full Time Equivalent |
|---|---|---|---|
| • Current | 28 | 10 | 32 |
| • Projected | 34 | 10 | 38 |

We understand that full-time staff typically arrives prior to the start of the morning activity periods (i.e., before 7:55 and 8:25 AM drop-off) and depart by 4:00 PM. The part-time staff consists of persons who typically attend during various periods of the day and on alternate days. Given the location, size, and general operating characteristics of the NCRC facility, its management has an intimate familiarity with the travel modes and parking needs of the staff.

This firm has conducted parking surveys (included in the submitted documentation) demonstrating that usage of on-street parking along neighborhood streets typically is in the range of 50–60 % of available spaces. This strongly suggests that on-street parking during the school day is not a significant issue in the areas affected by NCRC's operations. This notwithstanding, NCRC recognizes that any net reduction in vehicle trip generation and parking demand is in the public interest. To that end, the modified TMP includes the following proposals:

- **Metrochek Transit Fare Cards**. At present, NCRC provides this service to one employee on a "need"/request basis. The school intends to make this benefit more widely available, particularly to its full-time employees.

- **Off Street/Commercial Parking**. NCRC's investigations indicate that there are no commercial/off-street parking facilities in proximity to the School that could be contracted with for use by its employees. Area parking lots off Connecticut and Wisconsin Avenue are part of office and retail developments, and are not available to other users. NCRC will continue to explore the possibility of off-site parking for its staff. NCRC remains open to exploring suitable arrangements for the use of private driveway space should such space become available.

Presently there are 28 full time and 10 part-time staff for a total headcount of 38 (32 FTE). Of these, only three (3) of these use public transportation and only one of these employees uses the Metrochek Transit Fare Card service. This represents only 8% public transportation usage. An additional six (6) employees walk to the school. This results in a 24% transit/walk usage. The remaining employees either drive or carpool.

***Given the proximity of the site to Metro, and with the additional financial incentive it is estimated that the number of employees who use public transportation will increase appreciably. City-wide estimates of the success of the Metrochek program indicate that a transit usage of 20 - 35% can be expected with the Metrochek program. Any increase in the number of employees who use Metro will result in less cars coming to the site using the school's present staff numbers. It is estimated that the above measures could result in a reduction of three (3) to five (5) vehicle trips by employees during the morning peak hour with a commensurate reduction in the parking demand.***

4) **Special Event Traffic and Parking Conditions:** This aspect of the School's activities was discussed in detail. NCRC proposes to continue the provisions for monitoring of the all-School events, some of which would be held on weekends. Uniformed personnel

would continue to monitor parking at the all-school events. Workshops would include special transportation provisions. The following aspects of the School's proposal for workshops are notable, from the context of local traffic and parking impacts.

a) Workshops would be kept to three (3) or less during any 12-month period;

b) NCRC would provide for traffic control and monitoring by uniformed security personnel; and

c) NCRC would continue the practice of arranging for thirty (30) or more off-site parking spaces for use by attendees, with shuttle connection to the School.

These provisions are in addition to the fact that attendance from participating institutions typically involve more than one person, and that they typically use ridesharing. Further efforts by NCRC are not considered necessary, and their impacts cannot easily be quantified. However, it is quite apparent that this is not an issue in the context of the current application.

5) **Engineering Solutions to Safety Concerns**. The discussion above has focused on management and regulatory approaches to ameliorating NCRC's parking and traffic impacts on Highland Place and Ordway Street. One possible supplement to those approaches is engineered improvements to Highland Place, which would complement the District's planned redesign of Ordway Street. In its simplest form, an engineered improvement to Highland Place would consist of DDOT establishing a one-way flow of traffic in place of the existing two-way traffic flow. Another element of this process—an element that need not be implemented at the same time—would be sidewalk enhancements along Highland Place, to create greater lengths of sidewalks and sidewalks that are more "user friendly."

A possible engineering approach should be considered in context. Highland Place is a local street within an historic district. This roadway has served the abutting uses (including the NCRC site) for well over seventy (70) years. DDOT's records show no accident occurrences along Highland Place or its intersections with 33rd Place, Ashley Terrace, or Newark Street. Highland Place is also provided with signage restricting travel speeds to 15 MPH when children are present.

***DDOT has expressed its concern that the queuing of vehicles in the vicinity of the school results in brief periods of "double standing" and that such situations could potentially be unsafe. The management changes and enhancements proposed in NCRC's modified TMP address this issue. However, DDOT's jurisdiction over the management of the District's roadways includes the power to make Highland Place one-way, if DDOT concludes that this engineering solution is desirable or preferred. We note that the city's policies strongly encourage the input of local residents and property owners in the process for such changes.***

**Conclusion**

We believe that the data and discussion presented herein fully address the issues about which DDOT requested clarification and/or quantification of impacts. We believe the information presented is fully consistent with our field observations and earlier analyses and we understand that NCRC will be submitting this memorandum to DDOT.

Please let us know if we can assist further in this matter. Thank you.

ORG/pl

Attachments: As noted.

# OUTLINE OF TESTIMONY OF ALEXA HALABY, MEMBER OF THE BOARD OF TRUSTEES OF THE NATIONAL CHILD RESEARCH CENTER

I) INTRODUCTION AND BACKGROUND OF NCRC

- A) Member of the Board of Trustees
- B) Mission of the School

II) ROLE OF THE BOARD OF TRUSTEES

- A) Guardians of the School
- B) Responsible for assuring that the School stays true to its mission and goals
- C) Continual evaluation of the School's needs and deficiencies

III) BZA APPLICATION NO. 16970 – RATIONALE FOR NCRC'S PROPOSAL

- A) Discussion of the Schools' need for additional space
- B) Selection of a Development Team to achieve the School's vision for the future
- C) Community Outreach

IV) CONCLUSION

# OUTLINE OF TESTIMONY OF SUSAN PIGGOTT; DIRECTOR, THE NATIONAL CHILD RESEARCH CENTER

I) ROLE OF THE EXECUTIVE DIRECTOR OF NCRC

- A) Actions taken when started this position
- B) Current responsibilities

II) SATISFACTION OF THE REQUIREMENTS TO OPERATE A CHILD DEVELOPMENT CENTER –

- A) NCRC is capable of meeting all applicable code and licensing requirements
- B) NCRC is located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children.
  - 1) Current Traffic Management Plan ("TMP") operations
  - 2) Proposed enhancements to the TMP

III) ACCESSORY SCHOOL EVENTS IN ADDITION TO DAILY CHILD DEVELOPMENT CENTER ACTIVITY

- A) Parent/teacher conferences
- B) Annual Pumpkin Party
- C) Back-to-School nights
- D) Parent Association Meetings
- E) Consistent with NCRC's educational mission, it also held workshops/ conferences to share "best practices" with other child development centers in the District of Columbia

IV) CONCLUSION

# OUTLINE OF TESTIMONY OF OSBORNE GEORGE; TRAFFIC ENGINEER, O.R. GEORGE & ASSOCIATES, INC.

I) INTRODUCTION

A. Osborne George; Traffic Engineer; O.R. George & Associates, Inc.
B. Experience in the District of Columbia and Surrounding Jurisdictions

II) TRAFFIC AND PARKING STUDY PERFORMED FOR THE NATIONAL CHILD RESEARCH CENTER

A. Project Background

B. Study Scope

1. Traffic and Trip Generation Analysis
2. Parking Analysis

C. Roadway and Parking Conditions

1. Site Location
B. Existing Traffic Conditions
C. Existing Parking Situation

III) NCRC MEETS THE ZONING REGULATIONS' STANDARDS RELATED TO PARKING AND TRAFFIC IMPACTS FOR THE USE OF THE PROPERTY AS A CHILD DEVELOPMENT CENTER

A. Review of the enhanced TMP operations and discussion of impacts on off-street parking and traffic operations in the area near the NCRC property

B. Impact of potential one-way street designation for Highland Place, N.W.

# OUTLINE OF TESTIMONY OF CHARLES E. ANTHONY
# PROJECT ARCHITECT

I) INTRODUCTION

A) Professional experience

B) Experience with other private schools, located in historic districts and the community input and hearing process (Maret School)

II) DESCRIPTION OF THE PROCESS TO DATE

A) Original presentation of the plans to the community in February of 2002

B) The site plans and massing of the proposed structures have been revised several times to address community concerns

C) HPRB review and concept approval process

III) DESCRIPTION OF PLANS

IV) NCRC MEETS THE ZONING REGULATIONS' STANDARDS RELATED TO THE SITE AND BUILDING CHARACTERISTICS FOR THE USE OF THE PROPERTY AS A CHILD DEVELOPMENT CENTER

A) The construction of the Carriage House building and the addition to the main house will not in any way diminish the large, open, wooded and landscaped NCRC property. These attributes of the NCRC property protect adjacent and nearby properties from any adverse impacts related to NCRC's use of its property.

B) There will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual, or other objectionable conditions from the NCRC use of its property.

V) NCRC MEETS THE AREA VARIANCE STANDARDS FOR RELIEF FROM SECTIONS §§3202.3 AND 2100.5

# OUTLINE OF TESTIMONY OF
# PEDRO ALFONSO
# MEMBER OF THE BOARD OF TRUSTEES OF
# THE NATIONAL CHILD RESEARCH CENTER

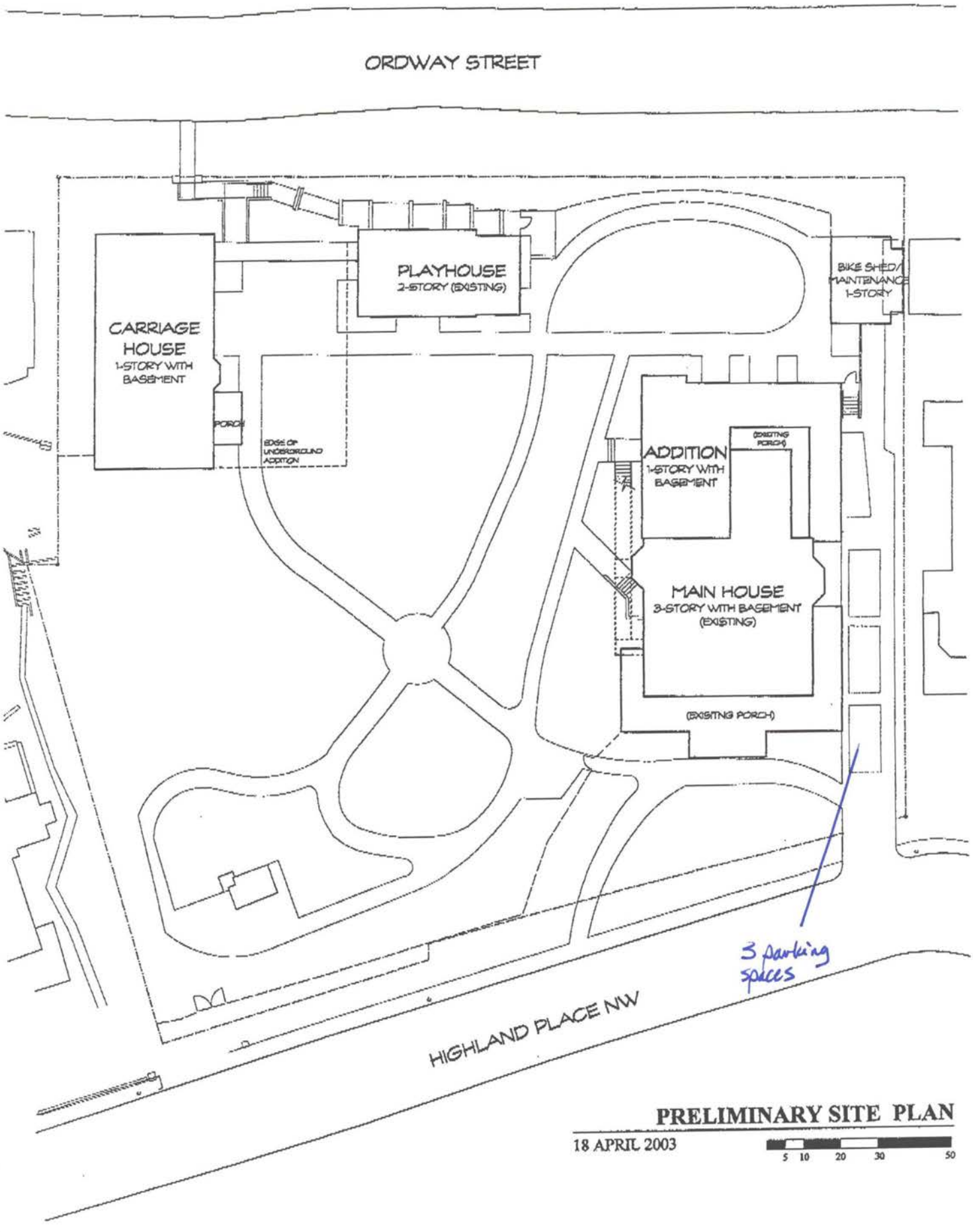
I) Introduction

II) Discussion of NCRC's Special Needs Program

III) Importance of the Special Needs Program to NCRC's Operations and Goals

IV) Conclusion

Document #: 1320236 v.1




**PRELIMINARY SITE PLAN**

18 APRIL 2003

5 10 20 30 50

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

# APPLICATION TO CERTIFY A HISTORIC BUILDING FOR D.C. ZONING REGULATIONS

I hereby request certification that the following property is a historic landmark or a building or structure contributing to the character of a historic district in the D.C. Inventory of Historic Sites, for the purpose of D.C. Zoning Regulations. A photograph of the front of the building is attached.

Address: 3209 Highland Place, NW

Square: 2072 Lot: 30

PURPOSE OF REQUEST:

__X__ Waiver of Additional Off-Street Parking Spaces (Section 2100.5)

__X__ Waiver of Additional Off-Street Loading Spaces (Section 2200.5)

_____ Increase in Number of Sleeping Rooms in a Bed-and-Breakfast Facility (Section 203.8)

Anne H. Adams - for National Child Research Center — 202 663-8884
Applicant — Telephone

Shaw Pittman
2300 N Street, NW
Washington, DC 20037
Address

Anne H. Adams — 2/7/03
Signature — Date

HISTORIC PRESERVATION DIVISION USE ONLY
I hereby certify that this property is either a historic landmark or a building or structure contributing to the character of a historic district listed in the D.C. Inventory of Historic Sites.

[signature] — 2/7/03
State Historic Preservation Officer — Date



3209 Highland Pl.
1905
Hunter & Bell

# TRANSCRIPT OF PROCEEDINGS

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

HISTORIC PRESERVATION REVIEW BOARD

EXCERPT OF TRANSCRIPT

CLEVELAND PARK HISTORIC DISTRICT
3209 Highland Place, NW
(National Child Research Center)

HPA No. 02-636

Page [illegible] 91

Washington, [illegible]
January 24, 2002

MILLER REPORTING COMPANY, INC.
7th St. Street, S.W.
Washington, D.C. 20004
(202) [illegible]-6666

CHAIRMAN BOASBERG: And the third item--

MR. CALLCOTT: --is a maintenance shed, bicycle shed, which replaces a small shed that currently is at the rear of the site.

It is a very large site. I am sure that most of the Board members have been by. The topography is certainly an important component of this site. Topography is, of course, an important component of the Cleveland Park Historic District. This site reflects one of the ravines or the changes in grade that takes place between Highland Place, which is up on a hill and which drops significantly down towards Ordway Street.

Highland Place, of course, was one of the original Cleveland Park subdivisions. Ordway Street, developed somewhat later, generally in the 1930s and 1940s, and has a distinctly different character than Highland Place and Newark Street do.

The staff's review of this has been, as it would for any alterations or new construction on the site, and that is general architectural compatibility of the additions with the site, with

recent book that came out, called "The Last Book of the Universe," which, in fact, makes a conscious definition between Eden, which is a place that is highly regarded, and the forbidden zone, which is an urban polluted area, and a primary character-defining feature of Eden is its rolling hills, that of the forbidden zone is its flatness.

As we live in a city where grading takes place every single day, and we actually have a situation where we have a historic district, that the contour and historic topography has been written into the historic district designation precisely because of its value to, and understanding of, our past. We should not look at a change to that lightly.

This new construction requires institutional grade mechanical systems, HVAC and elevator, to support a large underground structure that will be used as an educational facility. Where those are exactly has been pointed out, but because this is a concept we don't have the details.

of the photographs showed was very illuminating. It is dense with two-story houses with small spaces between them, and to me, I don't know the site that well, this would be a welcome open space even with the buildings proposed to be added there.

So much of the objection seem to be the institutional use and expansion of institutional use, and not retaining this property as residential, but it has been a school since 1930, for over 75 years. It was a school when the historic district was designated.

There are other similar schools in the Cleveland Park Historic District, and I think the institutional use is part of the historic district, part of the character of the historic district.

It seems to me that these buildings have been designed very sensitively and placed very sensitively to reflect the character of the residential neighborhood, as well as this magnificent central house, the largest in this immediate neighborhood on the property, which did have outbuildings originally. I mean that is part

more of the working plans.

We expect to see high quality design that will come back to this board, and we will take that apart, piece by piece, and make sure that what happens on this site is best for this site, for the neighborhood, and for the community as a whole.

Please continue to keep your passion high, don't come to blows, but show the interest and share the interest that you have in your community, and make sure that your community continues to grow and thrive.

CHAIRMAN BOASBERG: Thanks, Dr. Lowe. I will have to get you guys to walk around the neighborhood with me.

Ms. Sealy Ruffin.

MS. RUFFIN: I think this is a wonderful presentation, and I think that the architecture has been very skillful. I am convinced that it is residential in character and nature, and fits into the context of Cleveland Park.

I was a little bit confused. I mean NCRC has been a presence here for 70 years. It has been

## 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.

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Department of Health**

**Child & Residential Care Facilities Division**

**MEMORANDUM**

**TO:** Arthur Jackson
Office of Zoning

**FROM:** Valerie A. Ware
Program Manager

**DATE:** February 13, 2003

**SUBJECT:** BZA 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) acknowledges receipt of the dimensioned plans for the proposed additions to National Child Research Center, on January 23, 2003.

DOH/HRA/C&RCFD has reviewed all the documents submitted. Shaw Pittman representative, Mr. Paul Timmunds, identified the proposed program spaces, which will serve as classrooms: "Classroom 1" on located on ground level, and the "New Classroom" located on the first floor. The program space estimated would allow for twenty-one (21) children in each proposed classroom. Therefore, the National Child Research Center could increase its licensure capacity from (108) children to (150) children at any one time. The estimate calculations for the (2) proposed classrooms are listed as follows:

| Floor Level | Program Space | Square Footage | Capacity |
|---|---|---|---|
| Ground | Classroom 1 | 747.6 | 21 |
| First | New Classroom | 746 | 21 |

Should you have further questions, you may contact Denise Ryles-McKoy, Supervisory Human Services Licensing Specialist for Child Care Branch on (202) 442-4780.

A-Hearing

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Department of Health**

**Child & Residential Care Facilities Division**

**MEMORANDUM**

| | |
|---|---|
| **TO:** | Andrew Altman<br>Director<br>Office of Planning |
| **FROM:** | Valerie A. Ward<br>Program Manager |
| **DATE:** | December 16, 2003 |
| **SUBJECT:** | BZA Order No. 16970<br>National Child Research Center<br>3209 Highland Place, NW<br>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.