Application No. 16970
of the National Child Research Center
(As Amended)

RELIEF SOUGHT: Pursuant to 11 DCMR § 3104.1, for special exception approval to continue an existing child development center (last approved by BZA Order No. 16307) with morning and afternoon programs for 120 children at any one time, ages 2 ½ to 5 years and 38 FTE staff on all floors of the existing and proposed buildings on the site and for new construction of an addition and new building pursuant to § 205; and pursuant to 11 DCMR § 3103.2, for variance relief from § 3202.3, in order to allow the construction of an additional principal structure and the use of an additional principal structure, such that more than one principal structure will exist on a record lot and for relief from § 2100.6 which requires the provision of parking spaces for the proposed additional principal structure on the NCRC property at premises 3209 Highland Place, N.W.

NOTE: Based on discussions at the February 25, 2003 Public Hearing and the Board's instructions, the application was amended and new Public Hearing Notices sent as identified by § 3113.13 of the Regulations.

PRELIMINARY MATTER: The Board is in receipt of a request for Party Status from Consuelo Newman. The request was filed late; the Board established the parties of the case on February 11, 2003.

HEARING DATES:	**February 11 and 25, May 6, 2003**
ZONING:	R-1-B District
SQUARE & LOT:	Square 2072, Lot 30 (855 & 866)
COUNCIL MEMBERS:	Jack Evans, Letter of Support, Exhibit Nos. 22 & 23
	Phil Mendelson, Letter of Opposition, Exhibit No. 126
OFFICE OF PLANNING:	OP has several recommendations in its Supplemental Report II for the Board's consideration, Exhibit No. 143. The report was timely filed.

BZA
Case No. 16970
Exhibit No. 176

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.176

OP filed two reports previously; they are located at Exhibits Nos. 125 and 102.

DEPT. OF HEALTH: Letter of Support, Exhibit No. 68 & 112
The document was timely filed.

FIRE: DEPARTMENT The Fire and Emergency Medical Services recommends APPROVAL.
See attachment to the OP report at Exhibit No. 102.

TRANSPORTATION: DDOT has developed several options for the Board's consideration and is recommending that the most direct means of addressing the existing transportation safety concerns on Highland Place is to make the street one-way, westbound, from Newark Street to 33rd Place, N.W. DDOT indicated that after much consultation with the parties, this is the most plausible solution that is neither fully endorsed by the Applicant or the Opposition. Exhibit No. 136. The report was timely filed.

Previous reports filed by DDOT are located at Exhibit Nos. 99 and 116.

HPRB: The HPRB Staff Report is attached to the OP report. Exhibit No. 102.

ANC 3C: The ANC is recommending that the Board **DENY** the application. The report was timely filed. Exhibit No. 142.

The report previously filed by ANC 3C is located at Exhibits 96.

POSTING: The Applicant **RE-POSTED** the property in a timely manner based on the revised Public Hearing Notice. Exhibit No. 138

PARTIES: At the February 11, 2003 Public Hearing, the Board determined that the parties of the case are:

PARTIES IN OPPOSITION

1. **"The Cleveland Park Neighbors"**
   Represented by Richard B. Nettler & Jeannine Rustad Zigner
   Robins, Kaplan, Miller & Ciresi, LLP
   Exhibit No. 67
   Exhibit No. 122 is a list of the persons represented by Richard Nettler.

2. **Gaylord Neely & Linda Badami**
   Represented by Linda Badami
   3207 Highland Place, N.W.
   Exhibit No. 76

3. **Sallie R. Beckner and R. Bruce Beckner**
   3225 Highland Place, N.W.
   Exhibit Nos. 82 and 92

4. **Steven R. Hunsicker**
   3083 Ordway Street, N.W.
   Exhibit No. 85

5. **Henry P. Little**
   3220 Ordway Street, N.W.
   Mr. Little resides in California; however, he
   owns property on Ordway Street.
   Exhibit Nos. 88

6. **ANC 3C**
   Nancy MacWood Chairperson
   Exhibit No. 96

PARTIES IN SUPPORT

7. **"Friends of NCRC"**
   Represented by Anne Large
   Exhibit No. 80
   Exhibit No. 120 is a list of the persons represented by Friends of NCRC

8. **Katharine Marshal**
   3208 Highland Place, N.W.
   Exhibit No. 91

NOTES:

At the February 11th hearing, the Board requested that the parties brief the Board concerning whether zoning relief is required from § 2516 of the Zoning Regulations [Exceptions to Building Lot Control in Residential Districts]. Written and oral briefs were presented at the February 25th hearing. After a lengthy discussion, the Board unanimously agreed that additional relief was needed because the Applicant's proposal does entail providing two or more principal buildings on a single subdivided lot to house the classroom functions of the school. The primary focus of the discussion was whether the proposed building to be constructed on the site should be considered an accessory building to the principal use or a principal building. The Board indicated that § 3202.3 of the Regulations would be better suited for the application, rather than § 2516. The Applicant amended the application to request relief from § 3202.3 of the Regulations. It was not definitely determined whether relief under § 3202.3 is a use or area variance.

The Applicant requested a waiver from the on-site parking requirement. The Board did not make a determination on the request. It was suggested to the Applicant that relief from parking should be one of the variances to be requested when the application is re-advertised.

The Board instructed the Office of Zoning to re-advertise the application because additional zoning relief would be required. The application was re-advertised.

The Board has not begun to hear the facts of the case; only preliminary matters have been discussed thus far.

Board Members Participating: Curtis L. Etherly, Jr., David A. Zaidain, Geoffrey H. Griffis and Anthony J. Hood.

The Applicant's attorney is Maureen E. Dwyer, with the law firm of Shaw Pittman.

LETTERS IN SUPPORT

Black Student Fund
Barbara Patterson
Exhibit No. 20
(Note: The letter is addressed to Tersh Boasberg, Chair HPRB)

Haley Kaufman and Jeff Alpher
2938 Macomb Street, N.W.
Exhibit No. 28

John Buckley
2932 New Mexico Avenue, N.W.
Exhibit No. 29

Sudhir Rajkumar
3916 48th Street, N.W.
Exhibit No. 30

Rebecca DelCarmen-Wiggins
4840 Quebec Street, N.W.
Exhibit No. 31

Shelly Galli
4411 Cathedral Avenue, N.W.
Exhibit No. 32

William & Kristen Meyer
4009 Highwood Court, N.W.
Exhibit Nos. 33 & 34

Abby S. Cherner
4145 Parkglen Court, N.W.
Exhibit No. 35

Joe Galli
4411 Cathedral Avenue, N.W.
Exhibit No. 36

Winthrop N. Brown
3549 Springland Lane, N.W.
Exhibit No. 37

Michael Andrews
3309 Macomb Street, N.W.
Exhibit No. 38

Kim Sperduto
Exhibit No. 39

Ellen S. Fern
5040 Albemarle Street, N.W.
Exhibit No. 40

C. Fairley Spillman
3049 Ordway Street, N.W.
Exhibit No. 41

Daniel Covitz
3545 Albemarle Street, N.W.
Exhibit No. 42

Pedro & Kimberly Affonso
1809 Parkside Drive, N.W.
Exhibit No. 43

Curtis Large
3520 35th Street, N.W.
Exhibit No. 44

Allison & John Shulman
Exhibit No. 45

Jeffrey Blount
Exhibit No. 46

Hattie Ruttenberg &
Jonathan Molot, Exhibit No. 47
2424 Wyoming Avenue, N.W.

LETTERS IN SUPPORT (CONTINUED)

Robert S. Risoleo
Exhibit No. 48

Jan Crawford Greenburg
2940 Woodland Drive, N.W.
Exhibit No. 49

Anne Large
3520 35th Street, N.W.
Exhibit No. 50

Mari Tuma Foret
5069 Overlook Road, N.W.
Exhibit No. 51

Andrew D. Plepler
Exhibit No. 52

Andrew M Cherner
4145 Parkglen Court, N.W.
Exhibit No. 53

Robert K. Webb
3309 Highland Place, N.W.
Exhibit No. 54

Diana M. Daniels
5152 Manning Place, N.W.
Exhibit No. 55

Margaret & Mike Carvin
Exhibit No. 56

Carrie & Stuart Irvin
5609 Wood Way
Exhibit No. 57

Stuart Bergstein
Ambassador of Denmark
Exhibit No. 59

Michael Kenneth Gewirz
Exhibit No. 60

Rebecca J. Hanson
3916 48th Street, N.W.
Exhibit No. 61

Jon Thoren
3049 Ordway Street, N.W.
Exhibit No. 62

Bret O'Brien
5040 Albemarle Street, N.W.
Exhibit No. 63

Michael Tooke
Exhibit No. 64

Letters and Petitions in
Support Filed by the Applicant
Exhibit No. 89

R. Bruce Beckner
3225 Highland Place, N.W.
Exhibit No. 92

Leila & Marc Austin
5108 45th Street, N.W.
Exhibit No. 58

Letters of Opposition

The preponderance of the opposition has to do with increased traffic and its potential adverse impacts on the surrounding community.

Faye & Jack Moskowitz
3306 Highland Place, N.W.
Exhibit No. 97

Cleveland Park Citizens Association
Exhibit No. 98

Rives Carroll
3405 Ashley Street, N.W.
Exhibit No. 101

Nancy G. Harter
3028 Newark Street, N.W.
Exhibit No. 100

Cleveland Park Historical Society
Exhibit No. 105

Susan Taylor
3301 Highland Place, N.W.
Exhibit No. 110

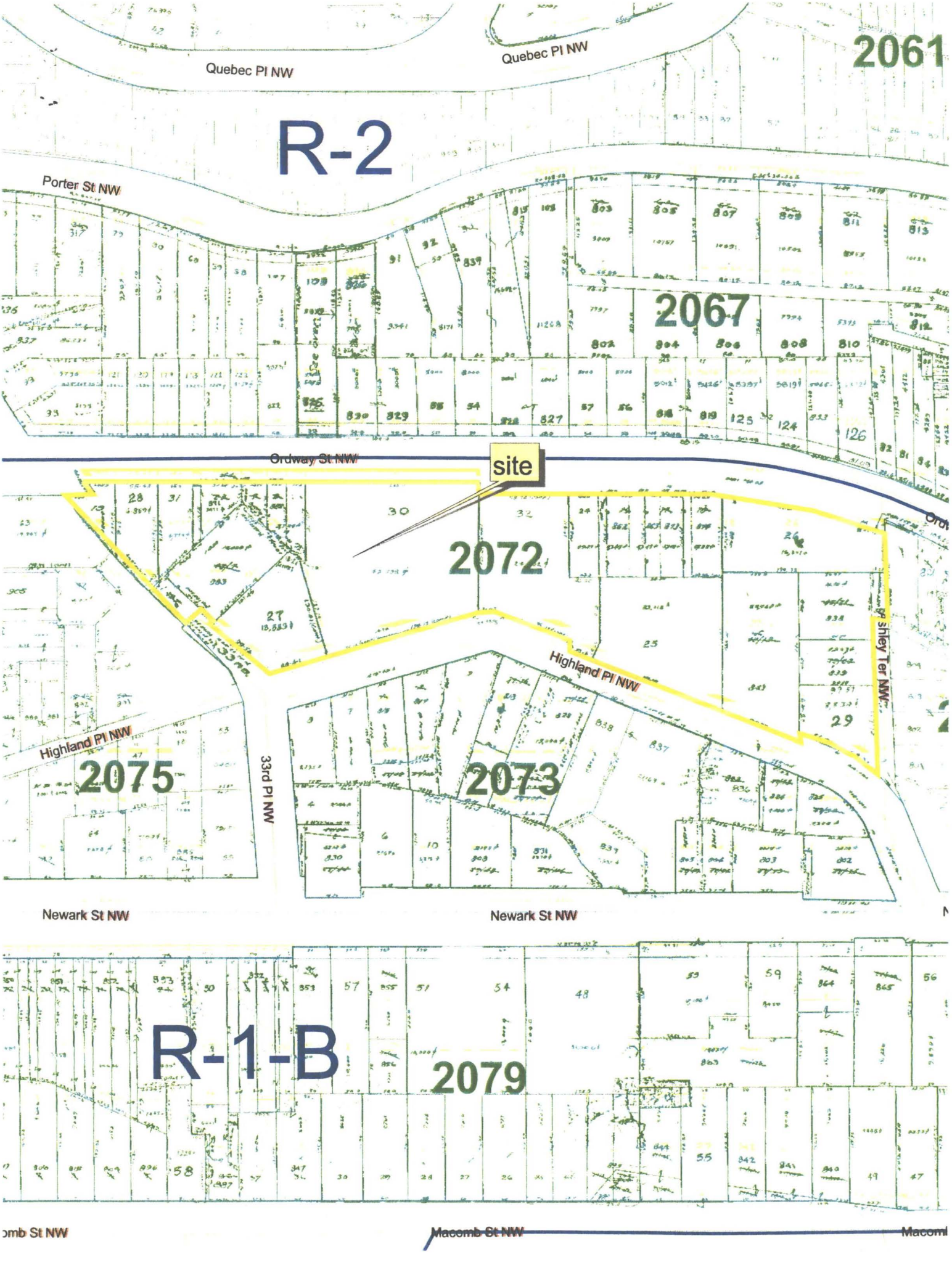
Federation of Citizens Associations
of the District of Columbia
Exhibit No. 117.

Bill Adler & Peggy Robin
3409 Ashley Terrace, N.W.
Exhibit No. 134

A Complete notebook of letters in opposition deal with all issues.

Bru. Bailey
6/18/03

BAB/4.30.03


Quebec Pl NW
Quebec Pl NW
2061
R-2
Porter St NW
2067
Ordway St NW
site
2072
Highland Pl NW
Ashley Ter NW
2075
33rd Pl NW
2073
Newark St NW
Newark St NW
R-1-B
2079
Macomb St NW
Macomb St NW