My name is Susan Taylor. I live with my husband, 16 year old daughter and 10 year old son at 3301 Highland Place, on the corner of Highland and the dead end section of 33rd Place. We have lived in our home for ten years.

I have been involved with child advocacy for all my adult life. I was on the Steering Committee for, and remain very active in, a partnership program between my church and the 1994 kindergarten class at an elementary school in Petworth. Our partnership continues as the children advance through high school, college, and/or vocational training. Our partnership is now known as "STEP/I Have a Dream". I am a Board member of a model nursery school that has a nationally recognized special needs inclusion program.

Before I retired in 1993 to become a full time mom, I worked in commercial real estate development at the Kaempfer Companies. Because of my professional background in development and my commitment to institutions that advance the needs of children and families, I oppose the current expansion plans at NCRC.

When we moved onto Highland Place, we were delighted with our new home, but we were immediately affected by traffic congestion and parking violations by people who we learned were NCRC parents, caregivers, and staff. I called the school periodically about the problems. Once I had to get the Director to make an announcement on a PA system during an event to unblock 33rd Place so I could get my mother to the airport. My husband and I even went to the expense of putting a driveway in our yard because often we couldn't find parking near our house. NCRC staff filled the spaces.

NCRC's zoning history is relevant to its current application for several reasons. First, during the last thirty years, NCRC has grown from a population of 70 students to a population of 171. Additionally, its staff has increased to 38 "full time equivalent" persons. This growth has been largely unchecked by zoning authorities. And while NCRC has grown and changed, the neighborhood infrastructure has not. Second, NCRC is now applying for your authorization to increase from its current enrollment of 171 to a larger enrollment. It claims that it has your authority to operate without any limit on enrollment. But a review will suggest that NCRC is authorized to operate at enrollment of only 120 students. An understanding of the correct figure is crucial. NCRC's current authority must be established because it is the basis for any discussion about possible expansion. Third, the 1998 order authorizing NCRC to operate as a special exception was set for a period of 8 years. The reason the BZA limited the time for 8 years is because it acknowledged that the then existing traffic conditions adversely impacted the neighborhood. The time limit was set specifically as a test to measure the efficacy of a traffic management plan. Success of this "test" must be determined before considering a new application from NCRC.

Between 1963 and 1998 there are no records of any zoning hearings authorizing NCRC to grow from a student population of 70 to 90. There are copies of Certificates of Occupancy and various licenses, but no record of any hearings.

In 1997 NCRC applied for and in 1998 received authorization to increase its Certificate of Occupancy from 90 to 120 students. It is important to note, however, that the authorization process was flawed. The BZA first heard this case without

BZA
Case No. 16970
Exhibit No. 264
Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.264

that the authorization process was flawed. The BZA first heard this case without giving the ANC or neighbors proper notification. In fact, the BZA heard the entire case and on January 21, 1998 issued a Summary Order without the ANC or neighbors participation. That Order contained four conditions: 1) Approval for a period of 15 years. 2) The maximum number of children shall not exceed 120. 3) The maximum number of teachers and staff shall not exceed 28. 4) The hours of operation shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday.

A neighbor learned of the Order and contacted the Office of Zoning. Ultimately, a rehearing was scheduled for April 1, 1998. When neighbors learned of NCRC's plan to increase its Certificate of Occupancy from 90 to 120 students, we were alarmed and many of us contacted the Center. When I called NCRC, I was told that the request was merely a formality to align District licensing and permitting requirements. In 1997, the Acting Director sent a letter to the neighbors describing NCRC's current conditions and future plans. "We want you to know that this is a completely paper matter. The school is not contemplating any construction or change in the maximum number students, which currently stands at 108." Every entity that reviewed NCRC's 1997 application did so using a figure of 108 for enrollment, including DPW's transportation arm. NCRC has subsequently stated that its enrollment at the time was 168. Therefore, all of the evaluations were based on figures that were approximately fifty percent lower than NCRC's actual numbers.

Only because the neighbors were assured by NCRC that its enrollment would not increase, did the neighbors support the Center's 1997 application. Instead, the neighbors shifted focus away from concern about a possible expansion, to seize an opportunity to remedy NCRC's intolerable traffic and parking. The 8-year limit on the Special Exception was a compromise between NCRC's request for 15 years and the neighbor's request for 5. The BZA decided on the 8-year period so that NCRC would not have to turn around and spend another $2500 in only 5 years to reapply for a new Special Exception. But, it would also offer the neighborhood some protection from long-term adverse impact in case the traffic plan did not work. So how have these traffic management conditions worked? The vast majority of NCRC's neighbors are telling you that they have not.

In 1998, NCRC applied for the authority, and I quote, "to establish a child development center for 120 students and 28 staff." The BZA granted that authority. The BZA has never granted any authority other than that. The fact that in 1998, after rehearing the application, the BZA ultimately imposed explicit conditions for traffic management and changed the term of the Special Exception does not mean that the BZA authorized an unlimited student *enrollment* and a "full time equivalent" staff of 38. In 1997 NCRC sought your approval to be a childhood development center for 120 students with 28 staff. That is what they got. Today, only 5 years later, NCRC seeks the option to increase its enrollment to 185 children. And, to quote from the Office of Planning reports dated February 11 and February 25, 2003. "This total would be 65 more than the 120 children listed in Final Order 16307". Let's be clear. NCRC is seeking permission from you for a 50% increase in the size of its population.

This is not a situation in which neighbors have been unwilling to accept inconvenience, or even adverse impact, from an institution's presence. We have all accommodated NCRC for a number of years. NCRC is part of my community. I

value the Center and what it provides to young children and their families. But now my neighborhood is in a nightmare. NCRC has grown from a student population of 90 in the 1980's to 171. NCRC claims there are no legal limits to its enrollment. It claims the 8-year traffic evaluation period placed by the 1998 BZA Order to protect residents, has been superseded by its current application to expand. But existing traffic conditions are not merely adverse, they are unsafe. The proposed "solution" to the current unsafe conditions is to make Highland Place and 33rd Place one way. This solution will place additional adverse impact on the neighborhood. And the residents will bear the sole burden of this impact. This doesn't make any sense.

DDOT has made it clear that it considers NCRC's application a land use issue. DDOT states that its mandate is simply to take the existing unsafe situation and make it safe. OP has made it clear that it will hinge its support on DDOT's recommendation. So OP recommends that the neighborhood and NCRC undergo a four-month traffic management "test". We believe that this is fundamentally unfair. We have been in a BZA ordered "test" for six years. We understand the question before the Board is whether this application will have an unacceptable adverse impact on the neighborhood. While these two agencies are deciding who has responsibility, over one hundred directly impacted neighbors are telling you that NCRC's current size overwhelms our streets and neighborhood and that its proposed expansion will make it much worse.

The crux of NCRC's adverse impact on the neighborhood lies in the total number of people in its daily population. The students, faculty and visitors to this school produce intolerable traffic. In my own experience, the first morning "peak" drop off is not the real culprit, but the afternoon pickups can be abysmal. There are ten homes on Highland Place and Ashley Terrace with school age children. Our "peak" time is between 3:00 and 3:45 when we pick up and come home with our own kids. Frequently, because of the cars from NCRC, it takes me ten minutes to drive around the corner from Newark Street onto 34th Street. NCRC has created the overcrowding that exists on our streets. The "solution" is for NCRC to bear responsibility and reduce the number of vehicles associated with its operation. It certainly should not be allowed to expand.



NATIONAL CHILD RESEARCH CENTER
3209 Highland Place, N.W. Washington, D.C. 20008
Telephone (202) 363-8777
Fax (202) 244-3459

Kay Stafford
Acting Director

Dear Neighbor:

The National Child Research Center (NCRC) has operated a school at 3209 Highland Place, NW, for nearly 70 years. Originally founded as a research facility under a three-year grant from the Laura Spellman Rockefeller will, the school has continued as an independent school for young children. The mission of NCRC is to provide the very best in early childhood education. This has been the goal of the school and will continue to be so in the years ahead. Over the years NCRC has witnessed periodic changes in the regulations governing the District's preschools. It is for this reason that I am writing to you.

NCRC has a Certificate of Occupancy for its buildings, as well as a Permit for Child Care Facilities, issued by different administrations of the Department of Consumer and Regulatory Affairs. The Certificate of Occupancy was issued in 1981 in the then current nomenclature for a 90 student "Nursery School & Kindergarten & Elementary School." Currently we do not operate a kindergarten or elementary school, nor do we have any plans to do so. Nursery schools are now named as "Child Development Centers," and the most recent facility permit for NCRC was issued for 120 children of "Ages two and one-half thru five." Although these differences have existed in the permits for a number of years, we are now advised by the Service Facility Regulation Administration that the Certificate of Occupancy issued by the Building and Land Regulation Administration must be conformed to the Child Care Permit. Because we are located in a residential area, any change in the Certificate of Occupancy must be approved by the Board of Zoning Adjustment with a full application and hearing.

In the coming days, notices will be mailed and posted of the filing of the application and the date of the hearing. We want you to know that this is a completely paper matter. The school is not contemplating any construction or change in the maximum number of students, which currently stands at 108. I wish to assure you that there will be no changes in our daily operation or original mandate of providing a safe, stimulating educational experience for young children.

In order to answer any questions you may have, we are holding an informal, informational meeting on October 28th at 7:30 pm in the Annex Building on the playground. Please come and invite any interested neighbors to attend. Please also feel free to call me at 202-363-8777.

Sincerely yours,

Kay Stafford

Kay Stafford
Acting Director

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

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

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

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

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

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

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

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

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

The Statement of the Applicant also includes a diagram illustrating how class sizes would be reduced "without reducing enrollment". Between one and three students would be withdrawn from each existing groups to reach the desired size. Ten new students would then be enrolled and added to the 19 withdrawn from existing groups to create two groups of 13 and 16 students. This proposal is consistent with the stated objective in NCRC's long-range plan of reducing class size without decreasing enrollment. The additional 10 children would increase current enrollment from 171 to 181. The applicant would like the option to add 4 more children bringing the total enrollment to 185 children. This total would the be 14 more than the current enrollment, and 65 more than the 120 children listed in Final Order 16307.

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The applicant hired O.R. George & Associates Traffic Engineers to analyze existing conditions and potential impacts of the proposed changes in response to an OP request. However, the final report was only received one week prior to the date the agency reports are due. As a result, the District Department of Transportation (DDOT) did not have sufficient time to review the report and provide a recommendation to the BZA on the sufficiency of the current Traffic Management Plan or the impact of the proposed changes prior to the BZA public hearing on February 11, 2003. Staff also requested the the Metropolitan Police Department (MPD) review its records for calls for service related to traffic congestion or illegal parking activity in the area since Final Order 16307 was adopted.

In a memorandum dated February 5, 2003, Ken Laden, Associate Director for Transportation Planning, stated that DDOT does not support the application as currently proposed because the "proposed new construction, and subsequent increase of staff and enrollment at the subject site will have an adverse impact on the parking supply, will create dangerous and otherwise objectionable traffic conditions and increase traffic