September 16, 2003

Mr. Geoffery Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street NW, Room 201
Washington DC, 20001

Re: BZA Application 16970
National Child Research Center
3209 Highland Place NW, Square 2072, Lot 30

This testimony corrects material presented by NCRC at the last BZA meeting.

Respectfully Submitted,

Linda Badami

Gaylord Neely and Linda Badami
3207 Highland Place NW
Washington DC, 20008

BZA
Case No. 16970
Exhibit No. 273

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.273

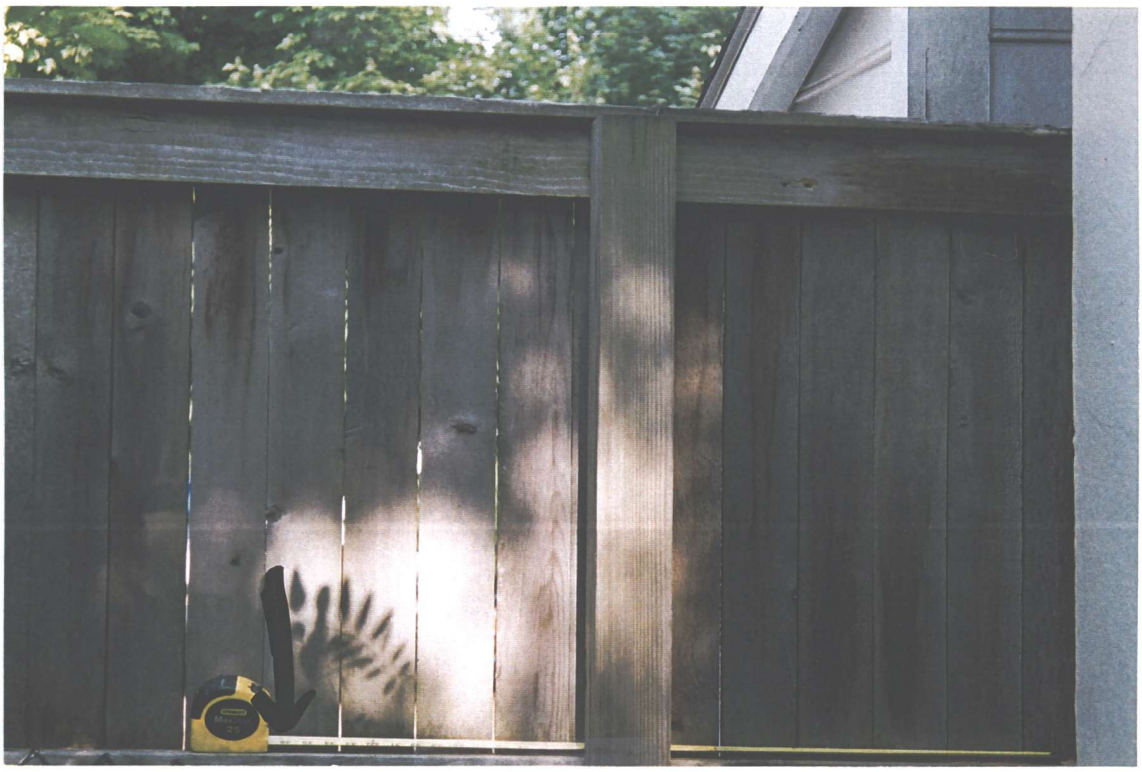


This photo shows the current shed
The shed is on the property line, the fence is inside the line on my lot
The Proposed Maintenance Building will be 4 times the footprint

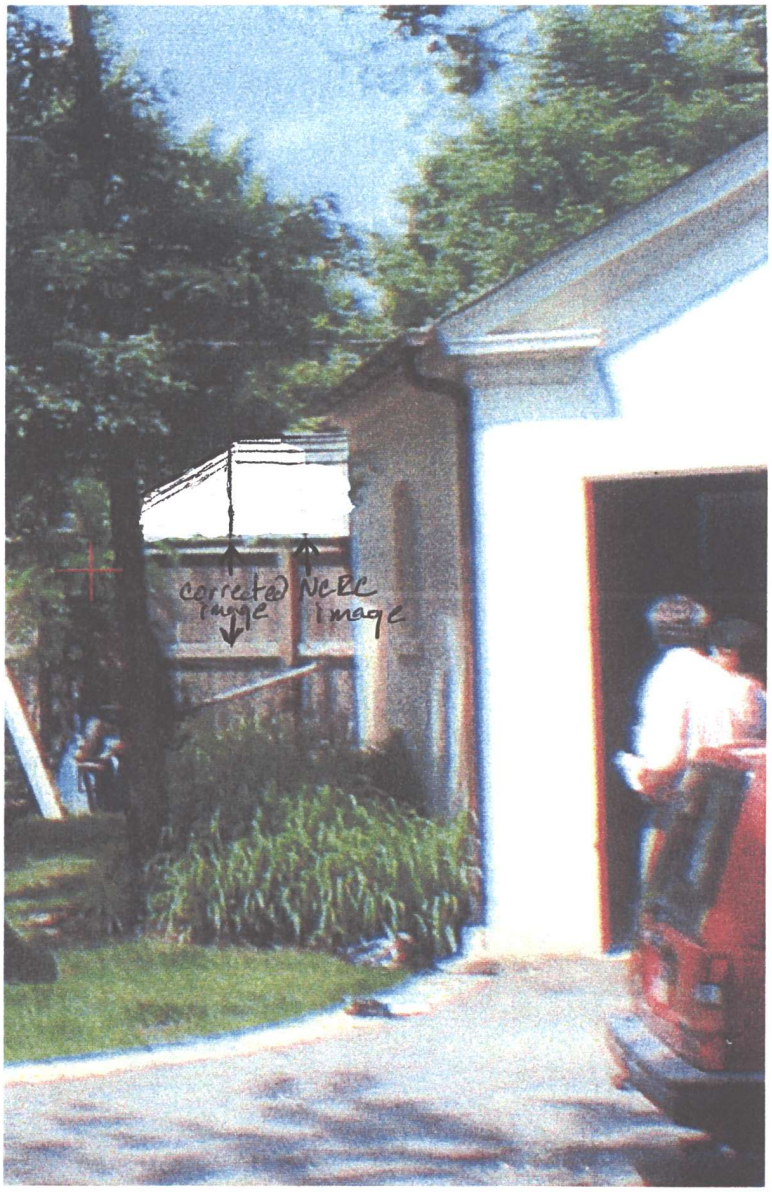
Picture taken from 2nd floor of 3207 Highland looking north at NCLC shed and 3207 garage.



This is the garage at 3207 Highland looking west towards NCRC.
The current shed is slightly visible over the fence.
This is the drawing as presented by NCRC to show what the Maintenance Building will look like.
But it is wrong.



The arrow indicates 3 feet
This is where the Maintenance Building will be located



This is a more accurate rendering of the proposal.

Comparison of view

Intersection of 34th Street/Reno Road and Ordway Street looking west towards 3220 Ordway (Henry Little), 3209 Highland (NCRC) and 3207 Highland (Badami/Neely)



Existing conditions without foliage. Photo taken in Fall 2002



With proposed construction, all buffer trees between Henry Little's house and NCRC will be removed. This means Badami/Neely house will loose screening and enormity of NCRC expansion plans will be visible year round due to tree loss.

Refutations and Clarifications of Statements Before the BZA

Enrollment Cap

So much talk of an enrollment cap made me actually look up "cap" in the Merriam-Webster Dictionary.

1: a covering for the head esp. with a visor and no brim: something resembling such as a covering
2: a container holding an explosive charge
3: an upper limit (as on expenditures)

Well, it's not #1; it's not a hat.

Listening to NCRC staff, board members and friends of, I might consider #3, an upper limit. So here is a summary of enrollment in the context created by 1998 proceedings. First from the October 1998 letter from NCRC's previous lawyer Matthew Watson to then ANC 3-C Chair Phil Mendelson:

Dear Phil:

You asked that I set forth details as to the application which the National Child Research Center intends to make to the BZA for amendment of its occupancy permit. ... For the last several years, it has held a Child Care License for 120 students. In the last licensing inspection, it was determined that the Certificate of Occupancy, which was issued in 1981, is inconsistent with the Child Care license in that it is for 90 "Nursery School & Kindergarten & Elementary School" students. In actual fact, the school enrollment is now at 108...

Next, from the October 1998 letter from NCRC's then Acting Director to neighbors:

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.

Now if I show you my 108 cards on the table and tell you that's all I have, but really I have more 60 in my hand, I don't have all my cards on the table. Neither did NCRC.

Regarding the 1998 BZA order as being unclear, if the order says they are allowed 120, then they are allowed120. So even the wording of application 16970 begs the question *"...to continue an existing child development center (last approve by BZA Order No. 16307) with morning and afternoon programs for 120 children at any one time..."* BZA Order 16307 says "to establish a child development center for 120 students..." The prepositional phrase *"at any one time"* was not in the first order, so it clearly is not a continuation. Similarly, 16307 says "and 28 staff in the basement through third floor of an existing building" not, as 16970 proposes, *"and 38 staff in all floors of the existing buildings on the site"*. That too is not a continuation. Both are significant changes.

Since what is offered in BZA hearings as oral testimony is neither legal nor, when Susan Piggott offers an enrollment cap of 10 in these proceeding, it offers no means of enforcement. On September 10, 2003 a letter from NCRC's new Board Chair Lucretia Adymy Risoleo was sent to us neighbors. From the included NCRC Fact Sheet 9/10/03:

Enrollment

- *We have agreed to cap our enrollment at 181 students in connection with the project*

When questioned via email about the qualifying phrase "in connection with the project," by my neighbor Bill Newlin, a former NCRC parent, Ms. Risoleo responds:
When indicating in our fact sheet that we have offered to limit our enrollment to 181 "in connection with the project" we simply mean that our willingness to offer such a cap is contingent upon our ability to go forward with the project. We do not mean to suggest that we have other plans. I hope this helps...

Again, it offers nothing legal or binding. I read it as: we'll offer it if we can expand, but not if we can't, but that's not to mean that we will, but we can't really say that we won't.
Which is similar to what former NCRC director Stafford said in 1998.

So the figure of 181 is not an "upper limit" as in #3's definition. That leaves #2.

Conferences

Susan Piggott's NCRC Summary Case Statement which, though undated, came at the beginning of NCRC's public acknowledgment of their plan. Excerpts follow:
To fulfill our mission statement, we must embark on a campus renovation that:

- *Provides space for faculty collaboration, parent meetings, conferences, storage*
- *Addresses the needs of our neighborhood and broader community.*

It continues:
NCRC's Strategic Plan, adopted in 2000, serves as a map for our future and outlines strategies to meet each of our goals. The Board of Trustees and staff have already implemented many of these strategies:

- *Hosted seminars, coffees and lectures for more parent education*

Further,
We plan to renovate our campus to create space for our current program, including:

- *Two meeting rooms for teachers, parents and others to gather and collaborate.*

These descriptions come during the same time their 2001-2002 Annual Report came out in which Director Susan Piggott writes, *"NCRC teachers are busy planning for our first annual Early Childhood Education Conference..."*

Ms. Piggott tried to explain neighbor's confusion regarding conferences during her BZA direct testimony. Her testimony defined the difference between *events* and *workshops* and *conferences*:
Our program includes some accessory school events ... these include such things as our parent/teacher conferences...
Consistent with our mission NCRC sometimes hosts workshops to share best practices... This past year we hosted an early education conference...
We have conducted workshops such as these many times over NCRC's long history... We have them now. We have already had them and we presently hold them in our playhouse. In the

future we will hold them in our indoor motor space. It's a more appropriate space. That is the extent of the conferences that you've heard about over and over...
We are planning to add two small rooms that we've called our conference rooms. But you have to understand that when teachers talk about conferences they mean parent/teacher conferences. In the future such workshops will continue to be held on weekdays or Saturdays and we have agreed to limit them to a maximum of three in any 12-month period.

Holding 3 workshops a year in the proposed indoor motor space is enforceable what means and how is it enforceable?

Parking on NCRC Property or Streets

Six parking places on their lot were originally proposed. This would have impacted adjoining neighbors. Plus, because of the required curb cuts to create two driveways, Highland Place would have lost many parking spaces. With that proposal off the table, NCRC filed for a waiver exempting them from providing on street parking because this is a historic district. Either way neighbors lose street parking with the proposed expansion. Combined with the plan to remove additional parking on Highland during school hours, this proposal would have tremendous impact on residents.

Clear Images of the Plan

In response to BZA questions, on June 10, 2003 Attorneys for NCRC Maureen Dywer and Paul Tummonds submitted a letter to the BZA:
The Applicant believes that these documents fully address the Board's request for additional information.

The packet included:

- *Pictures from the rear of the adjacent property at 3207 Highland Place that depict the current impact and potential impact of the proposed addition to the main building on the NCRC property.*

Since all the previous drawings are two-dimensional and fail to relate to neighboring houses for a realistic comparison of size, they fail to give an account of impact. Of the few pictures they submitted, one was of the proposed Maintenance Building in relation to my existing garage and NCRC architect Chuck Anthony drew it incorrectly. Another picture was at an angle showing some of the eastern side and northern back of my house along with a bit of the rear extension of the Main House's addition on the east and north. Another image was an angled shot of some of the west and northern portions of NCRC's Main House and a little the west and north of my house. But these new images still fail to depict impact fully. Nor do they carry the degree of detail in some of the drawings submitted to the BZA in September 2002.

Since I was with Mr. Anthony and his assistant when they took the pictures, I know they took many pictures from various angles of my house, including standing at my property line back to NCRC and taking clear, straight on pictures of western side of my house, where the greatest impact will be felt. Together, we measured the heights of my windows and two stories. We even used my laser level to shot points between my house's band board and NCRC's Main Building so the architects could verify the height relation of the two buildings. So they had all

the information he needed for a competent rendering. But Mr. Anthony, regarding accurate and complete drawings depicting impact on my property, has still failed to provide them, even when asked by the BZA.

Mr. Anthony's Misinformation to the BZA

In Mr. Anthony's testimony, he likened the addition off the rear on NCRC's Main Building to the addition to us at 3207 Highland. However the scale between the additions is tremendously disproportionate. Further, he stated NCRC's plan squared off the Building as ours had. This is wrong. We only pushed our rear foot print 8' to the west and in plane with the front of our building. Their plan expands the footprint on three sides. The west side is in line with the existing building, but the northern side is 19' beyond the existing line. The eastern side pushes that line parallel to the existing porch, not the building. The comparison is false.
Further, he claimed their addition mimicked the porch enclosure that we did. This is false. The top two stories of our house have always been windows. The bottom level was a potting shed. We had the screens replaced with windows in the same location. Further they are not doing a porch enclosure; none of the existing historic porch of the building will remain.

HPRB

Though the BZA has downplayed the significance of HPRB's ruling, NCRC Attorney Dwyer has referred to it frequently enough in both written and oral testimony that it deserves examination.

HPRB Chair Tersh Boasberg conducted the meeting using uneven discretion as to whom he cut off and whom he did not cut off from speaking, and what he allowed in as testimony and what he would not.

His opening remarks gave the framework for the meeting:
So, this case is about the impact that new construction has on one's eye, visual impact, the architectural impact, the impact on views. It is not about traffic. We have no jurisdiction over traffic, and we can't make any rulings on traffic, nor do we have any jurisdiction on use, whether the property is used as an institution, is used as a retail store, is used as a bomb-making factory. That isn't within our jurisdiction.
We are solely concerned, and I will say it again, with the impact, visual impact on the historic district of the proposed construction.
So, if you talk about traffic or use, you are going to lose us, and if we do it two and three and four times, it is probably going to work to your disadvantage because we think you probably don't hear us or you don't want us to hear us.
Then, the school is going to make a presentation, and again, the presentation, what is the architecture, what are the buildings that are involved, nothing about the student levels, nothing about the use, blah, blah.

Yet, HBRB Staff Reviewer Steve Callcott's, who, as Chair Boasberg says, "is a long-tome staff member of the board", included the following text in his report about NCRC's usage. Neither Mr. Callcott nor Mr. Boasberg followed the guidelines that state they are to look at impact and not use. From Mr. Callcott's report:

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 regarded and terraced to make it more usable for a playground.
The proposal...would include two new classrooms, an elevator, and a fire stair.
The new shed would be constructed in the same location, serving as bicycle storage and as an expanded maintenance shed.

NCRC Board Member Alexa Halaby's oral testimony that included:
NCRC is a preschool program that is run for two and a half to five-year-old children. It has been on the present site since 1930 and is one of the several schools that were, and continue to be, integral parts of the Cleveland Park Historic District.
Recently, the Board undertook a study of the school's needs and determined that we need more space to maintain our unique educational program and so that we continue to be the valuable community resource that we are today...
We ask that you...allow NCRC, an important historic institution, to continue to carry out its mission of providing extraordinary preschool education to generations of young children to come.

Shaw Pittman's architectural historian Anne Adams' testimony, on behalf of NCRC, which has about a page and a half of text in the HPRB transcript about use, including:
While it was developed as a residential neighborhood, and that is the primary use there, there are a number of institutions that have been historically part significant to the fabric of the Cleveland Park including a number of schools...
The other uses besides the commercial strip are interspersed throughout the neighborhood among the houses. Cleveland Park Congregational Church...

Compare this with Mr. Boasberg's interruption ANC 3-C Chair Nancy MacWood when she spoke *within* the framework of "visual impact on the historic district of the proposed construction":
Ms. MacWood: *This non-contributory building would loom over the neighboring house and extend beyond its footprint...*
We concluded that this project would result in the transformation of this property from residential, which is its current appearance, to institutional. There is no other property situated on a residential street in Cleveland Park with this amount of building square footage or number of structures...
Their [visitors] appreciation for the care of preservation on Highland Place and in the historic district would be interrupted by the presence of a series of buildings no longer residential, but institutional by virtue of the placement and size.
Other than NCRC, there is no institutional presence in Cleveland Park homes—
Chairman Boasberg: *Again, we don't want to get into the use of the buildings.*
Ms. MacWood: *All right.*
Chairman Boasberg: *Okay? I think I have made my point. You were doing very well up until that. I know it's hard. I know it's hard.*

Ms. MacWood: *I tried very hard to stick to your guidelines.*
Chairman Boasberg: *I know it's hard, but use or expansion of institutional use is not going to fly.*
Ms. MacWood: *Okay.*
Chairman Boasberg: *Okay.*

And compare Chairman Boasberg discretion towards what he allowed in regarding use by Mr. Callcott, Ms. Halaby and Ms. Adams to the treatment of Cleveland Park Historian Emily Eig when she spoke of visual impact and use:
Ms. Eig: *Finally, it includes a--I have seen it called a garage, what has been called a shed today, element that is actually a large expansion of the existing shed. It is placed on a property line and it is intended to look like a garage, however, in this case, the question is its--excuse me for saying this--but its use, would that, in fact, be typical of a garage [?]*
Chairman Boasberg: *Okay, if we can just move on.*
Ms.Eig: *The proposal adversely impacts the residential quality of the individual property and its setting because, simply put, NCRC is attempting to become an institutional campus in the heart of a residential section of Cleveland Park.*
This is not the first time that NCRC has attempted to make such a move. As early as 1963--
Chairman Boasberg: *I would like to skip over that part, too.*
Ms. Eig: *Well, I think it is rather significant that the was a ruling in 1963 that--*
Chairman Boasberg: *Ms. Eig, I don't want to get into a terrible argument with you--*
Ms. Eig: *-- this neighborhood was important.*
Chairman Boasberg: *Moving on.*

Proponents of the proposal were allowed to speak of use and opponents not. I suggest that this had an effect on the sympathies of the voting members.

Further, the HPRB received both misleading testimony from Mr. Anthony and Friends of NCRC Co-organizer Jon Thoren. First, Mr. Anthony:
But as you look at the before and after context, I think you can see where essentially on Highland Place, effectively, we have no change. We are not proposing a parking lot in the front yard. The existing berm that rises up from Highland and then slopes down towards Ordway will remain the same. The trees, the playground at the front of the site are essentially remaining the same.

Okay. Except for the east side of the Main Building's addition and the Maintenance Building being visible from the Highland side, that's largely true. Misleading though regarding the trees and the berm, because as we learned from NCRC's June 10, 2003 submission to the BZA the trees will essentially remain the same on the Highland side, but about 20 trees at minimum will come down, but mainly visible only on the Ordway side, and my from my 3207 Highland house and the Beckner's Highland house. That was not disclosed to the HPRB.

And what about the before and after context of the existing berm that rises up from Highland and slopes down to Ordway remaining the same? No change will be visible from Highland if you stand in the street. The excavation and backfill of the Carriage House won't be visible from the street, but again, will be visible from the adjoining Highland neighbors. And the berm change associated with this the Carriage House won't be visible from Ordway, because the structure

itself will block the view, except for adjoining neighbor Henry Little from his Ordway home. But what about the berm change resulting from the Main Building's addition and Maintenance Building? Did the HPRB notice that to accommodate the depth of these two structures, 3 feet of the top of the hill on the Ordway side will be sliced off? It wasn't in Mr. Callcott's report and Mr. Anthony didn't mention it.

And regarding the Maintenance Building, Mr. Anthony says:
It's smaller and lower than the abutting garage.

Since NCRC's Maintenance Building has a flat roof rather than a peaked roof like ours, it is lower in elevation. Looking at the starting point of the roofs, the framing height of each structure is close to, if not, the same. But because the hill will be off three feet to allow for a greater height, NCRC's new structure will actually be taller than my garage.

Add to this Mr. Thoren's oral testimony:
I want to show the existing shed is this, with the red top, very small. It is next to a large two-car garage on the neighboring property.
The plan is to double the size. The two-car garage will still be much larger.

This is wrong. The NCRC's plans show the footprint of the Maintenance Building is four times the size of the existing shed. That's not double this size, that's quadruple the size. The square footage of my garage is 471.175', that is about 30 square feet larger than the proposed new building. That's less square footage than NCRC's existing shed which Mr. Thoren calls "very small".

Mr. Thoren continues:
I think the new addition [the Carriage House] that will go on Ordway Street is compatible, it is about the same size and shape, and that is about all I want to say of that.

A DC Surveyor's Platte of the south side of Ordway to the west of NCRC on the same block, the house's square footage are 27.58' x 38.22', 15.50' x 40', 16' x 42', and 40' x 16'. Between these houses and NCRC stands Henry Little's house not included in this platte, but his house is similar in size to his neighbors. NCRC's planned Carriage House measures about 60' x 30'. Adding the front and one side of these house's linear footages totals 65.8', 55.5', 58'. The Carriage House same linear footage total is 90'. This structure is neither compatible with nor the same size and shape as Ordway homes. Then add the linear footage of the walkway and the existing Playhouse and the numbers become even more disproportionate.

Given Mr. Boasberg's uneven and discriminatory conduct as well as the misleading testimony presented by NCRC to the HPRB, HPRB's ruling should not be held in esteem.

Visual Impact on Ordway

Besides the other inconsistencies regarding the Carriage and Playhouse, the visual impact will be that of three floors. This is out of character of Ordway homes. At first the structure was proposed as an addition. HPRB suggested separation; NCRC doesn't have to follow the suggestion, but is, so now new construction technically would be a separate building. They now

use this as an argument to show hardship. But since the walkway visually connects the structures, and since the both Playhouse and Carriage House are two floors with the Playhouse's bottom floor on the same plane as the Carriage House's top floor, it has the impact on Ordway of a three story structure.

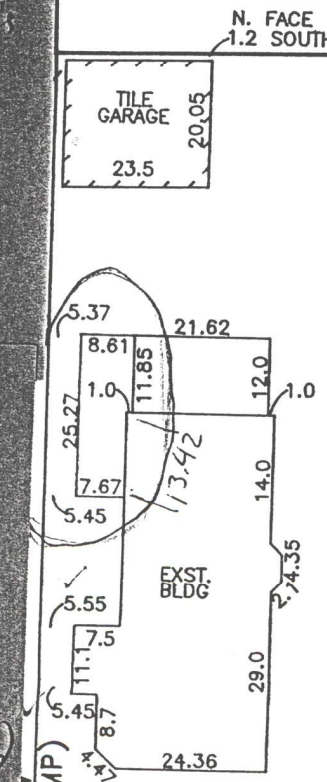
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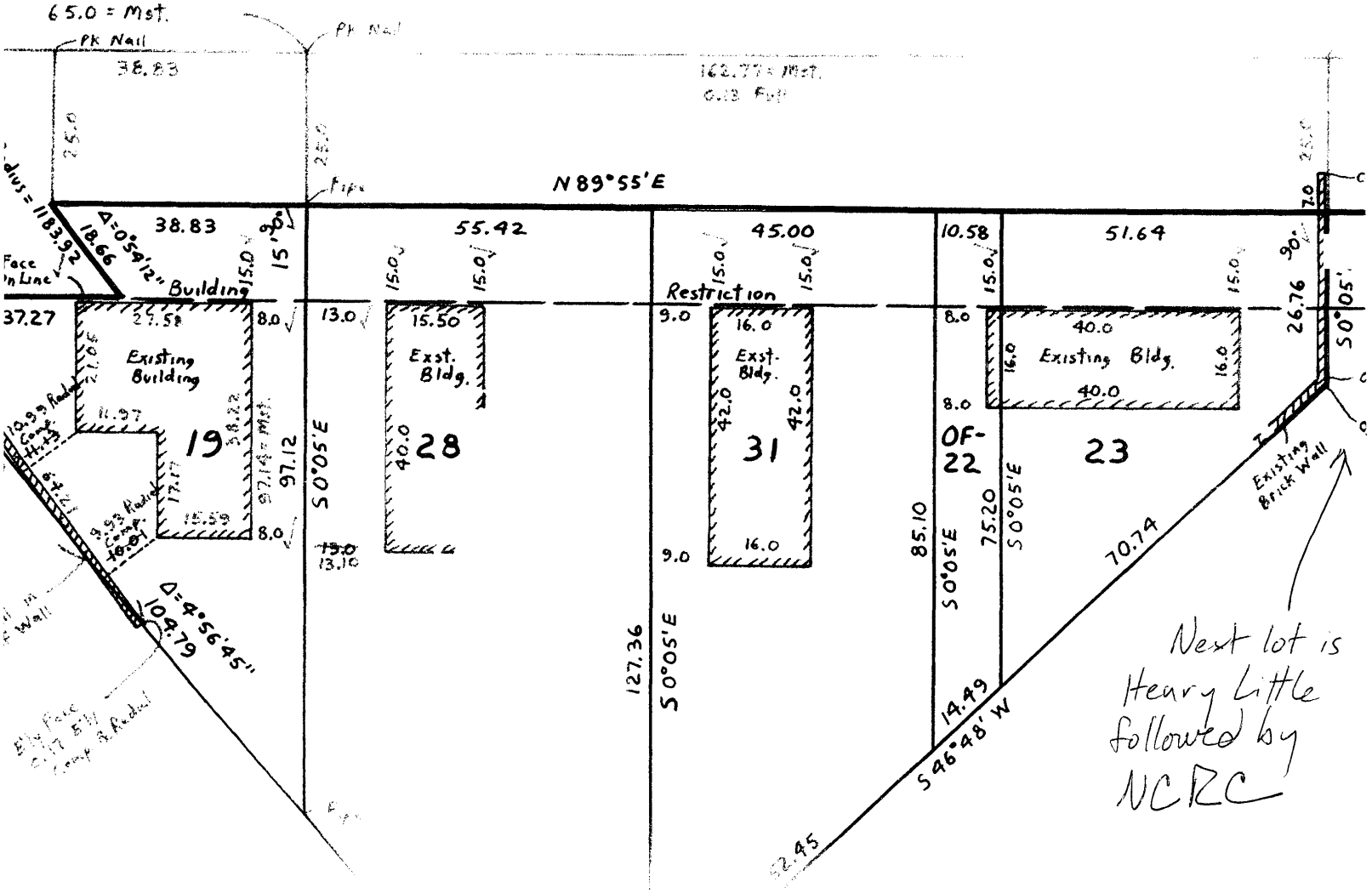
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This shows the measurements of 3207 Highland Place's garage →

Addition to house is circled
8.61' x 11.85' section is 2 stories
Remaining 7.67' x 13.42' is ground level and not fully above grade



FOLDED IN


ORDWAY STREET, N.W.
65.0 = Mst.
PK Nail
38.83
PK Nail
162.77 = Mst.
0.13 Pub
N 89°55'E
38.83
55.42
45.00
10.58
51.64
Face in Line
Δ=0°54'12"
18.66
Building
Restriction
37.27
27.58
Existing Building
11.97
19
38.22
97.12
S 0°05'E
15.59
8.0
13.0
15.50
Exst. Bldg.
40.0
28
16.0
Exst. Bldg.
42.0
31
16.0
9.0
8.0
40.0
Existing Bldg.
16.0
40.0
OF-22
23
85.10
75.20
S 0°05'E
127.36
S 0°05'E
26.76
S 0°05'
Existing Brick Wall
70.74
Δ=4°56'45"
104.79
14.49
S 46°48' W
52.45
Next lot is Henry Little followed by NCRC

Testimony of Linda Badami
November 4, 2003

I live at 3207 Highland Place. The property is owned by Gaylord Neely who has resided there since 1992. I am speaking for the two of us. My testimony comes both as a next door neighbor and as a carpenter and a contractor who is familiar with what the construction process will entail.

Here is our house and NCRC's Main Building. (Photo). The black and white photo was taken in 1910. The color photograph was taken in the Fall of 2002. Both houses sit on uncommonly large lots, even for this neighborhood, and each house sits on the very edge of their lots right next to each other.

As you might imagine, being this close to a nursery school is not the same as having a family next door. It is noisier. It is busier. It has, however, come to be familiar. I know it is morning because the maintenance person uses the leaf blower to blow the sand off the sidewalks. I can set my clock by the children at recess in the playground or on the porch when the weather is bad. At 8 or 9 at night, I hear the cleaning people throwing the garbage bags from the porch to the 2 dumpsters by our house. These are a few of the rhythms of the day, and I have lived next to them for a number of years without objection. What the school now proposes, however, is objectionable.

You received written testimony from me dated June 10, and today I am submitting additional written testimony dated June 26. In addition, I am today submitting separate statements clarifying testimony from previous hearings. You will have a chance to review these materials at your convenience. Today I would like to focus my presentation on a few of the most important points.

We are extremely concerned about the traffic generated by NCRC and support the testimony given by our neighbors that you have already heard. What our neighbors have said is true. Increasing enrollment and staff will increase the problems of congestion, illegal parking and dangerous conditions. And we strongly oppose it.

But we also have a unique perspective. Because our property adjoins the NCRC property, because our house is located so close to the NCRC property line and because the NCRC Main Building is located so close to our property line, we will experience unique harm that is directly attributable to the proposed expansions. Let me summarize the nature of the unique harm that we will experience if NCRC's proposed expansion is approved:

First, NCRC's proposed addition to the Main Building will create a maintenance corridor between that building and our residence which will substantially increase foot traffic and noise in a location right next to our house. Constructing a maintenance structure where a small shed is currently located will concentrate new noise and new traffic into a corridor that runs adjacent to our property line and right next to our house. Workers engaged in maintenance-related undertakings will walk between the two houses. Any worker who needs a machine: a blower, a lawnmower, a chain saw, a ladder, must come down the corridor. The construction of this brand

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new building, which has until now received little attention, will inevitably draw more people into a location right next to our house.

There are other ways that NCRC's proposal, if approved, will uniquely and adversely affect us and our lives on the adjoining property, but before I describe more of those ways, I would like to say one thing more about NCRC's proposal to destroy the existing shed and construct a new two-level Maintenance Building on that site. As I understand it, the new Maintenance Building is intended to have two separate functions requiring two entrances and two different levels. Access to the maintenance portion of the building will be from the South. Access to the storage portion of the structure, located in the lower level, the downstairs of the building, will be from the West. The new construction contemplates removing the foundation of the existing shed in its entirety and, to increase the size of the storage portion of the new building, it also contemplates excavating the top of the hill at least two to three feet. When completed, the new Building will be the size of a two-car garage, quadrupling the square footage of the current structure and, with the added height, increasing the storage capacity at least sevenfold. It will be bigger, wider and taller, and it will require all new footings. It is designed to have no setback, in any way, from our property line. The changes from the existing shed to the planned Maintenance Building will create a non-conforming structure. I am not an expert about zoning regulations, but I do not believe that this proposed new structure could possibly be legal.

(photo) Thus, continuing with impact, NCRC's proposed addition to the Main Building will cut off light and eliminate sightlines from various rooms in our house. This is a certainty. This is the rear of NCRC's Main Building and this is our house. The wrap-around addition planned for the Main Building will bring that building east, eight feet to thirteen feet closer to our house. In the back, the addition will push the building north no less than nineteen feet here and as much as 43 feet here. That addition to the back will increase the height of the building right next to our house. It will have the impact of 2 1/2 stories. The peaked roof at the west of the addition will be even with the top of the bottom sash of NCRC's 2nd floor windows, which are parallel to ours.

(Photo) My stepson's bedroom currently has good natural light. With the proposed addition, much of this light will be blocked. The addition will also block light from the West and the view toward the West for all the windows on my second, first and ground floors at the rear west side of the house. The impact on the kitchen, the breakfast area, a bedroom and hallway windows, as well as the windows to our sunroom which are designed to also provide light to the first floor, can be seen in my testimony of June 10. As you can see for yourself, those rooms lose natural light, and they lose a view.

Third, NCRC's proposed construction on the Main Building and on the proposed new Maintenance Building will destabilize the hill that we share. The excavation that is contemplated, beginning at property line, will shear off the top of the hill, promote soil erosion and threaten the foundation of my garage.

Finally, among many other trees on our property that will be adversely affected, NCRC's proposed construction will destroy an historic old growth oak, over 100 years old, that stands between the buildings. Even if the wrap-around addition could be magically lowered into place, it will severely damage the roots of our trees. I am submitting a letter from an arborist who will

attest to that. You will find that statement in Appendix I of my June 26 submission. The Main Building's eastern footprint expansion, and sidewalk relocation and enlargement, will increase the impervious surface area directly over our tree roots. Also, to gain appropriate access to the new elevator and maintenance corridor on the east of the Main Building, the sharp grade from the south of the property at Highland, heading north, will need to be sheared off, further damaging tree roots including our holly, chestnut and oak trees.

The elimination of the buffer trees between NCRC and Henry Little's house will negatively impact our house also. (photos) Please consider these photos. Compare the absence of old growth trees in the rear of NCRC's property with this 1985 aerial photo to current lot conditions as seen in the aerial map provided by NCRC in their 2002 submission. To orient viewing, this is NCRC's lot. This is Highland, this is Ordway. This is our house, NCRC's Main Building, the Beckner's and Henry Little's. You can see the concentration of tree removal from 1994 was on the west and especially the north. This means all that remains to screen the rear of my house and NCRC buildings from Ordway neighbors, up until 34th Street/Reno Rd, are the narrow row of trees between NCRC and Henry Little's house. They will all be removed with this proposal.

(photo) Consider these photos taken in 2002. The first two are from my second floor looking west across NCRC's rear lot to Henry Little's. One in summer, one in fall. Without foliage, Henry's house and other Ordway houses, up to 34th St/Reno Road, are clearly visible. The third photo is the reverse angle, taken from 34th St/Reno Road, looking east at NCRC and my house. Here is the Main Building, NCRC's other building and our house which sits visually in between. With the absence of the stand of buffer trees (photo), the rear of my house, the existing NCRC structures, and the girth of their expansion plans, meaning the 2 1/2 story wrap around addition, the Maintenance Building and the 2 story building next to and as tall as Henry Little's house, will be visible year round. Copies of these images are in your packets.

In closing, I want the panel to know that we have never been opposed to NCRC. We admire the institution, and we have learned to live with it. Anyone who says that we oppose the expansion because we are against the school is simply wrong. But we are thoroughly and resolutely against this plan. The encroachment on our property that will result from NCRC's proposed additions to the Main Building, the additional noise and foot-traffic caused by the creation of the maintenance corridor, the reduction of natural light in the living space inside our house, the curtailing of our view from the windows of our house, the damage and destruction of trees on our property including the historic oak, the shearing off of the rear hill and the erosion and destabilization that will result, and the damage to our garage, creates undue hardship and negative impact which is uniquely ours.

Can anyone seriously doubt that this plan will have an adverse impact to our house and on this neighborhood? It will have such an impact, and for that reason it should be rejected.

June 24, 2003

Mr. Geoffery Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street NW, Room 201
Washington DC, 20001

Re: BZA Application 16970
National Child Research Center
3209 Highland Place NW, Square 2072, Lot 30

In opposition to the Application 16970, here are additions to my testimony.

The papers are titled:

Irreparable Harm to 3207 Highland Place and our Neighborhood

Trees and Greenspace
NCRC's Grounds

From Plans to Construction:
NCRC Plans Are Not Feasible

and

Corrections to the June 10, 2003 Submissions
One Mine, One NCRC's

The appendices are at the end of the packet.

Respectfully Submitted,

Linda Badami

Gaylord Neely and Linda Badami
3207 Highland Place NW
Washington DC, 20008

BZA
Case No. 16970
Exhibit No. 273

Irreparable Harm to 3207 Highland Place and our Neighborhood

NCRC's shed, located at the property line, backs onto my garage and is currently the same size. The plans replace the shed with a Maintenance Building that flairs 3' wider than my garage on the south side. Existing conditions have the Main House and shed 31' apart when traversing from north to south; the proposal would leave them 16' apart. The shed and existing rear porch are approximately 21' apart traversing east to west; the proposal would have them overlap approximately 3'. (Appendix E)

As it stands now NCRC's Main House's footprint starts before the footprint of my house, but ends before mine. With the addition, it will extend beyond the rear of my home. The bulk of the east side of the addition will come towards my house 8 to 13 feet. With an exterior landing and stairs at the side rear, the work comes another 5' closer, within 11' of the property line. In height, the elevator on the east side will go to the existing third floor soffit line and the rear two level addition with peaked roof will reach midway of the second floor.

The mass and bulk of this construction will block natural light from reaching my home. The length and height of the addition would block the view of the rest of the lot. It will replace my current view of the Main House, the grounds and the neighborhood beyond it with an intimate view of the Main House and Maintenance Building.

Besides bulk, the over 40' deep and over 40' wide, two level, wrap around addition to Main House will permanently alter the terrain through regrading. To open the addition's rear doors at grade, with 9' of interior finish space, the plans call for 2'-3' of the hill to be sheared off. The cut also allows the Maintenance Building's lowered western level to open towards the center of the lot. This cut would begin at the Maintenance Building and cross over 80' to the east side of the Playhouse.

The result of splitting the Maintenance Building means that play items will be stored in the lowered west facing section and maintenance equipment will be in the south facing section, next to the property line. Currently the trash cans and dumpster are stored along the fence between our properties. The addition will focus the foot traffic of maintenance personnel and the twice weekly garbage pick up closer to the lot line by narrowing the passage by 1/3 at minimum and 1/2 at maximum. This increased activity would damage the roots of any surviving trees and cause erosion.

NCRC is one the largest houses on the street. If constructed, the Main House will be 1/3 larger than the next largest home in the neighborhood. The addition alone is larger than the typical houses on the block of Ordway that it looks down to. The scale is out of character with the entire neighborhood. The Carriage House is to be partially buried at the Southeast corner, yet the West and North faces would be completely seen. Thus, giving visibility to its girth. All four buildings; the Main House, the Carriage House, the Playhouse and the Maintenance Building; the stone wall between the Carriage House and Playhouse; the concrete pad; concrete sidewalks and playground equipment, amount to an

incongruity of this property with any other near its size. Of all the largest sized lots on Highland, there is no other that holds the amount of buildings or ratio of development.

More powerful and an increased number of HVAC units would be needed for this project. Their increased noise would be heard most acutely by adjoining neighbors. Currently, the noise of the 3 commercial grade air handlers between our home and NCRC makes our front porch unusable in summer. The planned addition will replace these units with three larger units, hence adding significantly more noise in and around my house. Though NCRC's Main House was the first brick house on the street, ours is made of timber framing, wood siding and plaster and lathe interior walls with no insulation. This means NCRC's commercial grade HVAC is heard throughout my house, even when the institution is closed on evenings and weekends. The planned Main House HVAC relocation does not remove the sound. The frequency of use disrupts the quiet enjoyment of my house. Adding the larger units for the Main House plus the required commercial grade units for the Carriage House causes further undue hardship to me and to my neighbors due to the noise.

There is no other property in the surrounding area that has 5 or more commercial HVAC units. It would not meet requirements of a residential zone.

Because of their ambitious attempt to largely bury a 2 story Carriage House building, the excavation and regrading will have a dramatic effect, diminishing the large landscaped NCRC property. Further, NCRC plans to tear up existing concrete sidewalks and lay new ones in different locations. Major alteration is needed for the reconstruction of the playground. Since this work is integral to the construction of the current proposal, why is it not clearly articulated in NCRC's plan? How can we fully appreciate the impact when the plan is not fully presented?

This section of Cleveland Park has a unique quality. One of the appeals of NCRC is its location. It benefits from the attributes it now wants to diminish. The quiet streets, the open space and the distance between buildings would be eradicated by the Child Development Center that began 75 years ago on 2 floors of the Main House. Their special exception does not afford them the privilege of altering our residential neighborhood, changing the amount of light and privacy of my home and lowering the property values of our dwellings.

Trees and Greenspace
NCRC's Grounds

At least 22 trees would come down if NCRC's plans were enacted. This is the minimum, according to NCRC June 10, 2003 BZA submission. More could be damaged or destroyed during construction. Most of these trees are at the rear and sides of the lot and provide screening for adjoining neighbors. The eradication of trees and alteration to existing topography to double the size of commercial facilities in a residential zone disregards zoning laws.

Many times NCRC spokespeople have referred to the amount of greenspace the lot currently holds, as well as what will remain after the proposed construction. So, it is important to consider what greenspace means as well as the lot's current and proposed conditions.

NCRC architect Chuck Anthony referred to "greenspace" as that land which does not hold buildings; and that mulch and concrete do count as greenspace. NCRC documents have also referred to its lot as a "green, tree filled space". These statements do not clearly represent circumstances.

No NCRC provided photo has conveyed the lot's condition to the BZA. The only image of its entirety was tinted red to highlight location, but in so doing obscured the quality of the grounds. (see page 2 of NCRC's Submission to the BZA 31 October 2002) This makes it difficult for the viewer to appreciate how the ground's current state is incongruent with the character of the zoned district and how further alterations will increase this incompatibility. When compared to surrounding lots, aerial photography notes some of the current difference. The density of mature trees is less on NCRC grounds than any other Highland neighbors. There is almost no organic ground cover on the bulk of the lot, except for mulch. The density of concrete and asphalt surpasses all surrounding neighbors. Their proposed expansion increases these detriments, all of which are incompatible with the protections that this historic district is supposed to have.

The 14 trees, at least 8 of which were mature, that NCRC illegally destroyed during a 1994 playground renovation, are documented in 2 forms. The first is a NCRC provided topographical map that locates and sizes these trees. Walking around the perimeter of NCRC's lot The Care of Trees Senior Urban Forester and ISA Certified Arborist Chris Cowles verified the absence of the trees listed on NCRC's lot map. (Appendix F) A 1985 aerial photo juxtaposed against a recent aerial photo dramatically verifies their absence, even though the older photo was taken in winter without foliage and the new photo in summer with the tree's leaves present. (Appendix G)

Placing NCRC's proposal in the context of recent history is relevant to this proposal. Besides screening, trees sustain the character of the neighborhood. Old trees are at the heart of a historic district. Their removal is an impact to adjoining neighbors and the general community. Responding to neighborhood outrage of the 1994 act, NCRC planted some landscaping trees to provide some screening. Since these new buildings would

eradicate the replacement landscaping screening, neighbors again would have the quality of their neighborhood further denigrated. (Appendix H)

Also, since the locations of 7 trees were exactly where their current proposal places buildings and regrading, would this application even be considered if they were standing? Since the trees were felled in an illegal manner, with no authorization or permits, by approving the current proposal, would the BZA not be ratifying an illegal act?

Even without putting NCRC's grounds in historical context, it is clear that further development will alter the character of an already compromised area. The maple trees planted behind the Main House to replace the felled old growth trees would all be removed if this plan transpired. The remaining green I see out my back windows would be gone. According to The Care of Trees Arborist, the trees between the Main House and my house would also be harmed. (Appendix I)

From Plans to Construction:
NCRC Plans Are Not Feasible

This paper discusses the undue hardship and adverse impacts that this proposed plan places uniquely on me as an adjoining neighbor, and on my neighborhood as a whole.

As a professional carpenter/contractor, having worked for 2 general contractors, 2 architects working in DC, Maryland and VA and as a self-employed licensed DC contractor for the last 13 years, my testimony will be both that of neighbor with first hand knowledge of the properties and a professional with first hand knowledge of the problems inherent to a project of this scope and intent.

When considering this project most attention has been upon the traffic, parking, scale and variance needed. This paper focuses additionally on a matter that has eluded most conversation, yet is elemental and basic: How will these structures emerge on this lot? A construction plan is not usually considered at this stage, yet with existing street conditions; ambitious, even aggressive design; limited construction access; sloping terrain which NCRC has terraced; proximity of neighbors; narrow streets and the historically significant remaining trees, plus those that supply some screening; and no system of accountability to the City or Neighborhood, I contend that it is neglectful to not consider the profound negative impact of the construction process.

Not only does the execution method of the proposed project remain unclear, the true scale of the project, in its entirety, has yet to be presented to the BZA. Though partial drawings of the wrap around Main House addition plus elevator, Carriage House and the Maintenance Building are under consideration, the reconfiguration of the hundreds of linear feet of sidewalk; excavation, redistribution and removal of tons of earth; relocation of most of NCRC playground equipment; and regrading have not been given, or clearly discussed. Further, tree preservation is something that needs to be incorporated into construction planning, not incorporated into a landscaping design after the construction's completion, especially considering NCRC's current plans to remove over 20 existing trees.

Undue Hardship and Adverse Impact of the Construction Process for the Adjoining Neighbors

NCRC has often stated that Ordway Street would be the only point from which construction would be based. However, when more closely examined, this statement fails practical sense. Tradespeople will look to each point of access for proximity. No one of the possible routes is suitable for reaching all of the proposed construction projects. Further, none of the openings is free from related adverse impact. Each allows some angle or proximity beneficial and logical to a builder. Though the suggestion of only using the Ordway entrance is perhaps based on the idea of minimizing impact to adjoining neighbors and part of the neighborhood, it is not at all based in the reality of the construction process.

There are 3 means of access and egress to the site, one is on Ordway Street next to Henry Little's 3220 Ordway home, at the site of the proposed 2 story Carriage House, the other two on Highland, one by the Beckner's 3225 Highland home and one by us, 3207 Highland. Though it has been reported that NCRC intends to use the Ordway access solely as their construction doorway, it is not possible for many reasons.

- A location cannot hold both a building and roadway.
- The logistics are hampered by the manner in which NCRC built the playground, with retaining walls, concrete curbs, terraced landscape and stairs.
- The narrowness between the Carriage House and the Little's fence is impractical. All activity would have to pass between the Little's fence and the Play House.
- Planning on using the Ordway entrance for the all vehicles, material delivery, material storage, refuse removal and crew access for the Main House's wrap around addition, elevator and Maintenance Building is about as far from point A to point B as possible. The distance is simply impractical.
- A telephone pole and wires are in the middle of the proposed access location, disallowing crane use. Hence, to adhere to the proposal, all materials for the addition, garage, and elevator would be hand carried.
- The telephone pole also forces traffic to either side. To west of the pole sits one of the two storm drains for the upper and leveled out sections of Ordway, to the west. The drains are already insufficient for storm water control. The increased erosion and run off caused by construction would worsen the problem as well as create potential driving hazards on Ordway especially during rain. (Appendix J)

The next available route is the section between the Beckner's and NCRC.

- Rather than a typical curb cut, maintenance vehicles access NCRC's lot from what appears to be a break in the concrete sidewalk and slate curb header.
- The mature trees are already leaning from the wear of vehicles and the subsequent erosion, plus proximity to the road. Further heavy traffic on their roots would accelerate this deteriorated state.
- This passage is narrowed by fences and has a steep grade.
- Vehicles, materials and crew would have to wind their way through the maze of trees, concrete curbs, terraces and playground equipment to access building sites. (Appendix K)

This leaves us with the opening between our home and NCRC.

- The amount and type of traffic would erode the hill upon which my fence and a telephone pole sit. The fragility of the hill means the pole is already leaning and has necessitated rear support cables; using this access point will further weaken this footing.

- Splitting the property line of NCRC and our home are many trees, among which, two holly trees, which pass the third floor, and two oak trees, which tower over both houses. Since both our residence and NCRC's Main House are over one hundred years old, their existing foundations have concentrated the roots of these trees between the structures. Being root bound will intensify the damage of the construction vehicles' tonnage, crews, equipment and material storage, erosion and excavation.
- The narrowness of the passage, approximately 16' between the front porch and the fence, also lends itself to repeated collision with the oak and holly trees, as well as the fence itself.
- The telephone pole and power lines block use of a crane.
- There is no curb cut. Vehicles would go over sewer cover.
- The land has a steep grade. (Appendix L)

Further construction considerations:

- Where all are the tradespeople, construction vehicles and delivery trucks going to park? We lack enough parking now. Since vehicles would not be able to park on NCRC's property, both Ordway and Highland residents will be burdened with the extra vehicular volume.
- If delivery trucks use Highland Place, congestion will notably spike, bringing further adverse impact. For delivery trucks to use Ordway, while also holding worker's vehicles, means that delivery trucks will likely block one direction of Ordway's traffic. Ordway, unlike Highland, passes between 34th Street/Reno Road and Connecticut and is a more heavily used street, especially during rush hours.
- Where will construction material, debris, playground equipment and excavated dirt, which would certainly be kept for backfill, be stockpiled while working on the proposed buildings? How would vehicles and crews negotiate through this without causing further negative impact to NCRC and adjacent lots?
- The impact of excavation for the addition and elevator to the stability of my foundation remains unaddressed. Though the addition's footing goes 1'6" below finish floor, the elevator needs a full 4' below existing basement floor line. How will the amount of excavation and regrading not cause major erosion to our side?
- How would this undertaking not harm our home's structure and the side fence due to issues such as vibration, erosion and collision?

Since the existing shed does not have the same footprint as the Maintenance Building, nor does it have any historical significance, it will be completely demolished.

- My garage is less than 2 feet from the proposed Maintenance Building, excavation for this structure will disrupt the foundation of my historic garage.

- The surrounding grade and the fragile hillside of my property will be eroded due to machinery and foot traffic.

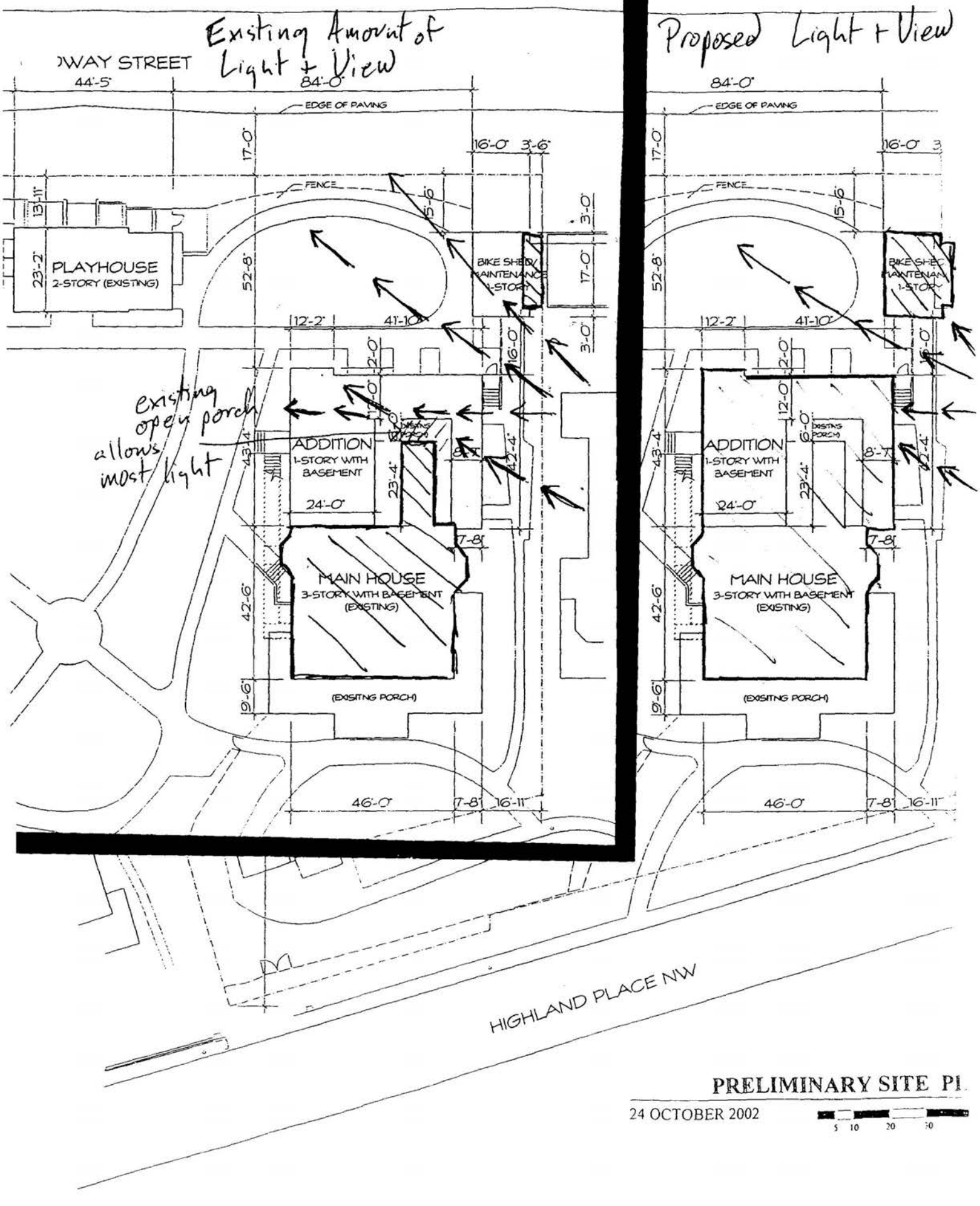
When we reflect upon the practicalities and feasibilities of this plan, the difficulties are glaring. Because of the aggressive design, the impact on adjoining neighbors and the inconsistencies with its zoning designation, NCRC's plan does not meet acceptable standards for approval.

Corrections to the June 10, 2003 Submissions
One Mine, One NCRC's

In the June 10th testimony I submitted, I corrected the square footage calculation for the Maintenance Building. However, I miscalculated the total square footage resulting in adding only approximately 1000 square feet more to the total figure.

NCRC's submission also corrected the square footage calculation for the Maintenance Building and added approximately 2000 square feet more to the total figure. I trust this new figure to be credible.

However, the photo they submitted projecting the visual impact of the Maintenance Building is wrong. The image has the Maintenance Building recessed from the line of my garage. However, the Maintenance Building will be 3 feet beyond my garage.


Existing Amount of Light + View
Proposed Light + View
WAY STREET
44'-5"
84'-0"
EDGE OF PAVING
FENCE
PLAYHOUSE
2-STORY (EXISTING)
BIKE SHED/ MAINTENANCE 1-STORY
ADDITION
1-STORY WITH BASEMENT
MAIN HOUSE
3-STORY WITH BASEMENT (EXISTING)
(EXISITNG PORCH)
existing open porch allows most light
HIGHLAND PLACE NW
PRELIMINARY SITE PL
24 OCTOBER 2002



View of NCRC from Ordway looking south, 3207 Highland on left
Looking at the back of the Main House that is furthest north
Proposed addition will be 13' to the east of the existing brick line
Will come north 19'
At the wall with the chimney, addition will come north 43'
Total length of addition is 54'

ORDWAY STREET



EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

THE NATIONAL CHILD RESEARCH CENTER

3209 HIGHLAND PLACE,NW WASHINGTON, DC 20008

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Fax 703.661.8002
Web www.thecareoftrees.com

June 20, 2003

Gaylord Neely & Linda Badami Residence
3207 Highland Place NW
Washington, DC 21286

Re: 3207 Residence / NCRC Tree Impact

Our firm, the Care of Trees, Inc, has been retained by Gaylord Neely and Linda Badami to assess the trees on their property which may be affected by proposed construction on the adjacent NCRC property. The Care of Trees, Inc (COT) is a national firm with local offices consisting of ISA Certified Arborists and degreed professional Foresters specializing in Inventory, assessment, planning, and preservation measures for construction projects within the Mid- Atlantic Region.

The COT performed field assessment to document size, species, health, and note any existing site conditions relating to the tree environment. The data for each tree is provided on an excel spreadsheet as well as summary comments and recommendations. A survey is marked and numbered for each identified tree.

Based upon Preliminary architectural documents provided by Linda Badami and field assessments of this property, it is our opinion that the proposed construction would have serious consequences for the root systems (as designated by the trees Critical Root Zones) of these trees due to their proximity along the common property line.

Construction allowed within the Critical Root Zones without special protection and preservation measures can result in the following environmental and physiological changes:

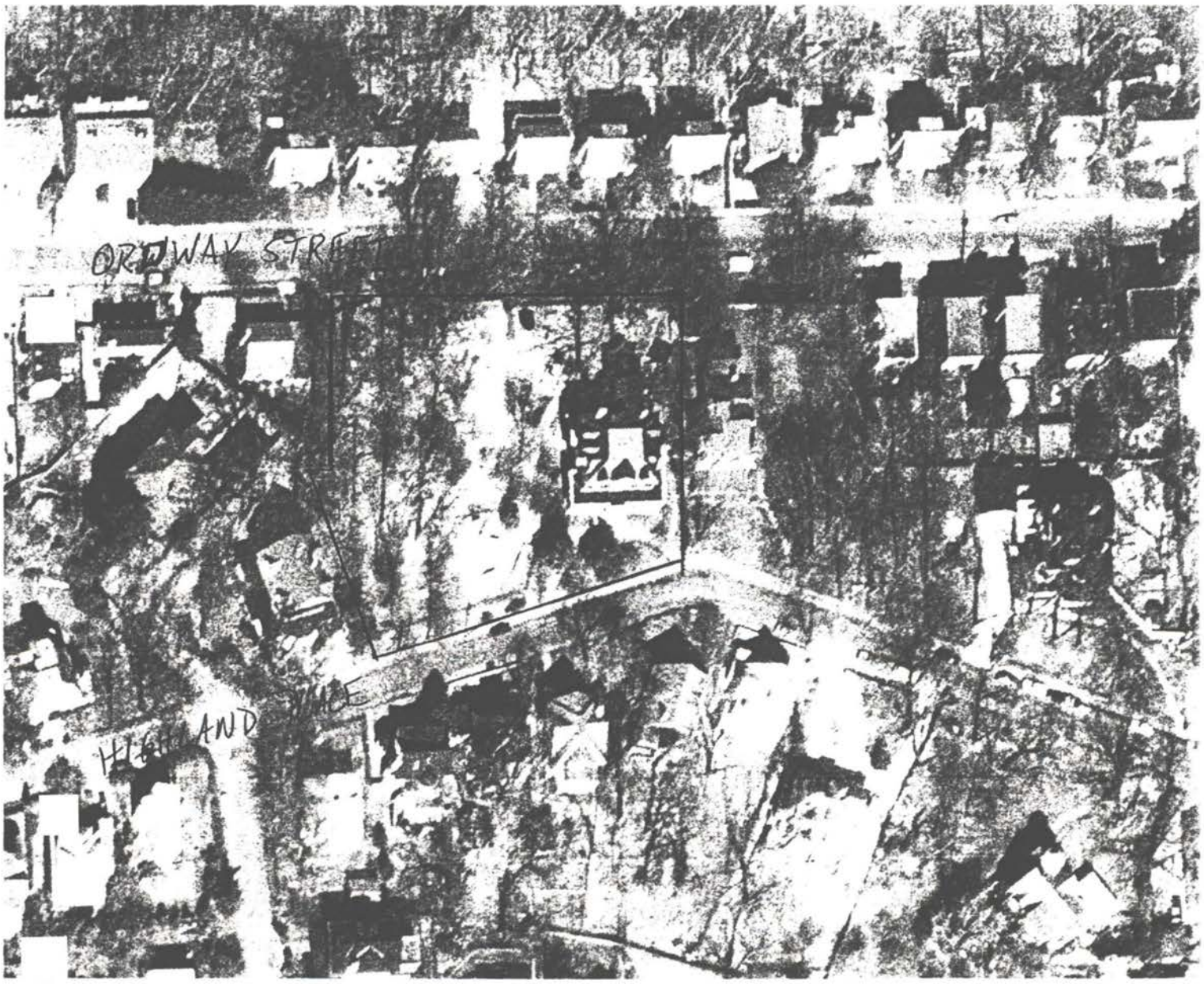
- root loss, soil desiccation, leading to decline and die-back of the canopy
- soils compaction leading to lack of pore space
- restricted atmospheric oxygen and water availability
- soil pH changes Inhibiting nutrient exchange,
- loss of soil macro and micro organisms essential to plant health and growth
- Increased susceptibility to secondary insect and disease stresses.
- Trunk and branch injury occurs when machinery is allowed too close with no protection or supervision.

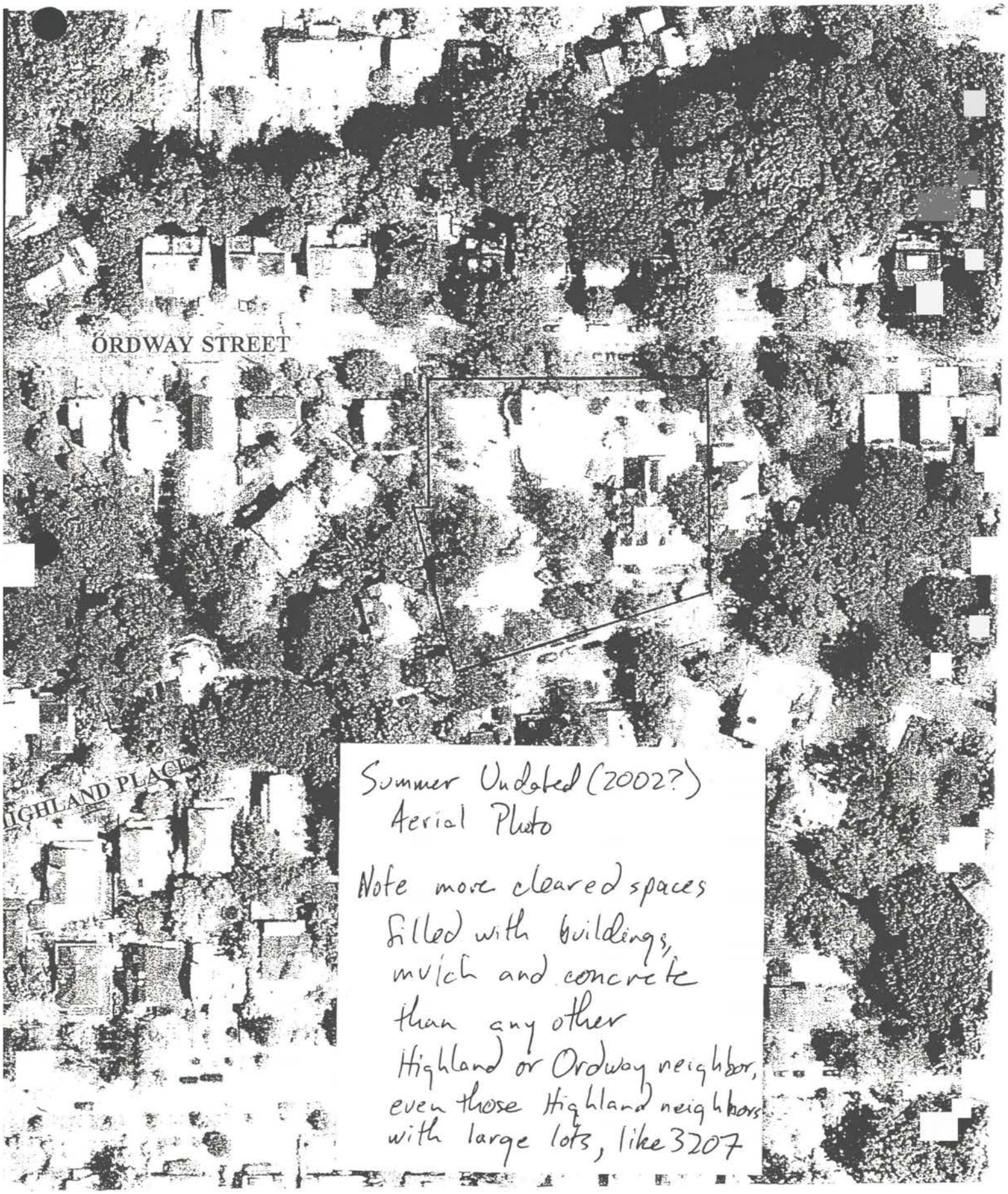
Sincerely,

Chris A. Cowles
ISA Certified Arborist,
Registered Professional Forester,
MD Licensed Tree Expert

FROM :The Care of Trees FAX NO. :7036618002 Jun. 24 2003 09:30AM P2

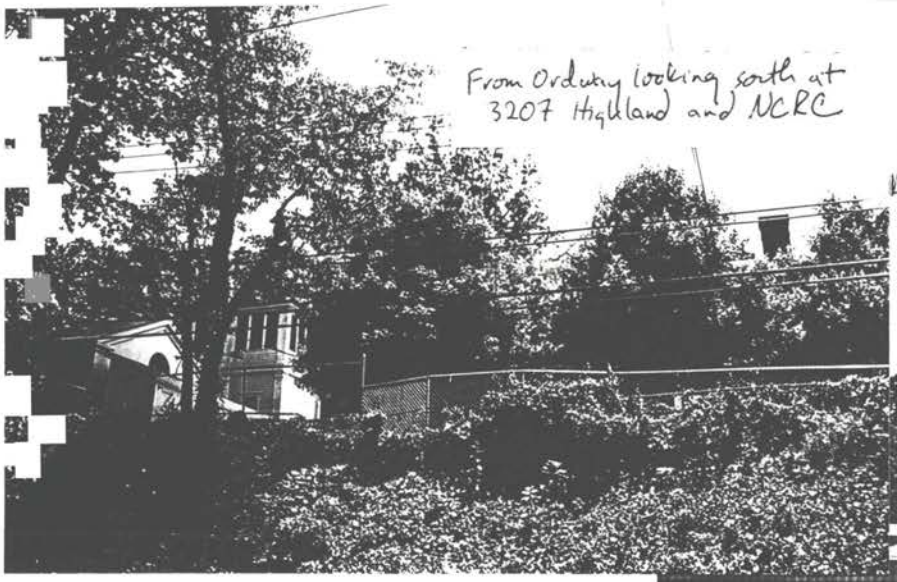
Fall/Winter 1985 aerial photo
Shows tree conditions of NCRC before 1994
Compare with more current aerial photo





Summer Undated (2002?)
Aerial Photo

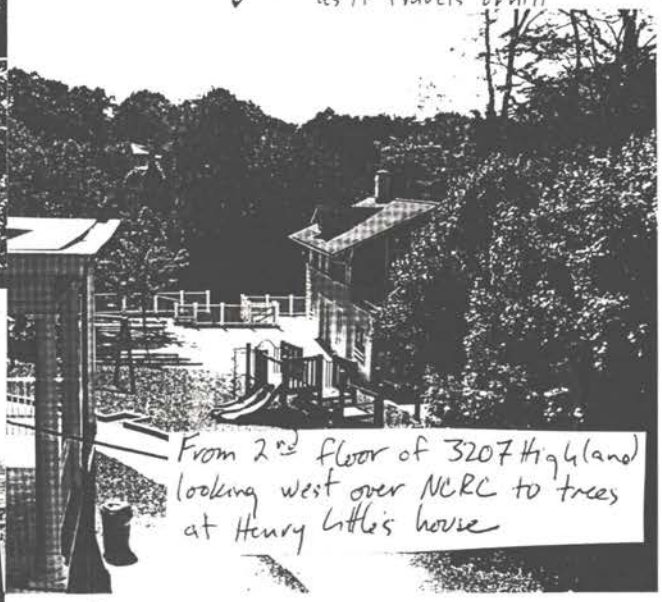
Note more cleared spaces filled with buildings, mulch and concrete than any other Highland or Ordway neighbor, even those Highland neighbors with large lots, like 3207



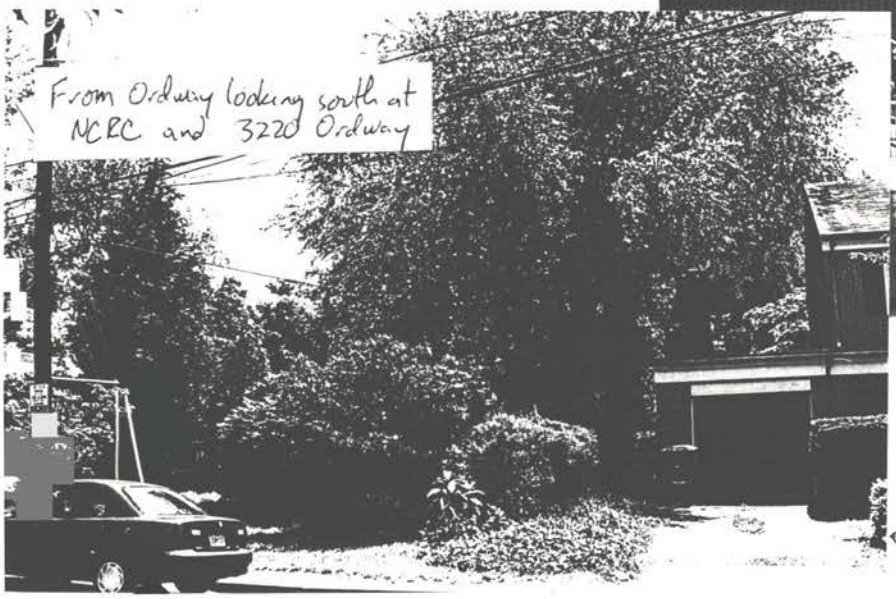
From Ordway looking south at 3207 Highland and NCRC

All Maple trees to be removed
Top of hill to be regraded
3207 Highland home + garage, plus NCRC Main House and Maintenance Building would be clearly visible from Ordway

tallest tree provides screening for us and south side of Ordway as it travels uphill



From 2nd floor of 3207 Highland looking west over NCRC to trees at Henry Little's house



From Ordway looking south at NCRC and 3220 Ordway

All trees in this picture of NCRC's rear lot will be removed. Instead, the addition will be visible in foreground and Carriage House in background.

All trees on NCRC's lot to be removed. Replaced with Carriage House as tall as [illegible] Little's home.

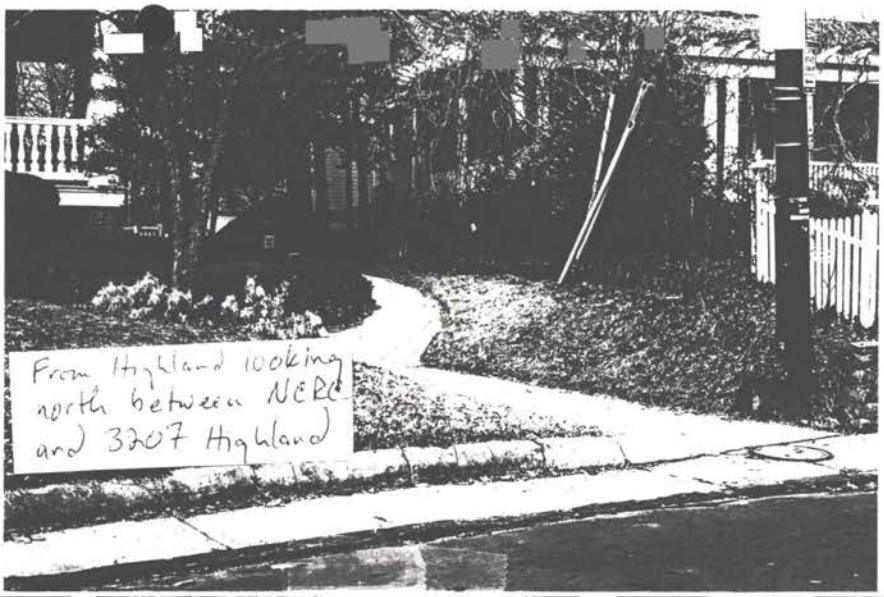


From Oxbury looking south towards NCRC and Henry Little's house



From west of NCRC lot looking toward northeast corner

- Carriage House
  foot print will block construction access
- This opening on north west corner. To work on Main House addition, workers will have to go uphill, over terraces + stairs, between trees and around the Main House to work between 3207 + NCRC Main House. (New concrete sidewalk is required, for example, at south east corner of lot. All materials would be brought from north west)
- Telephone pole and wires block crane use + vehicle access
- Work would be done walking or driving over storm drain

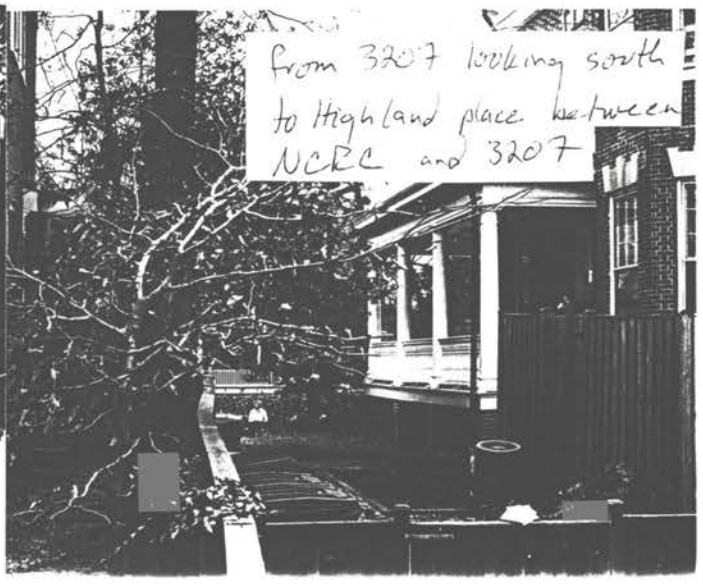


From Highland looking north between NCRC and 3207 Highland

- No curb cut
- Work over a sewer cover
- Telephone pole and supporting wires on sharp incline
- Narrow sidewalk
- Proximity of fence and trees prone to construction damage regardless of direction work comes from



From 3207 Highland porch looking west to NCRC



From 3207 looking south to Highland place between NCRC and 3207



From Highland looking north at 3225 Highland and NCRC

- No curb cut
- Erosion and root damage from NCRC vehicles
- Fence with gate blocks access
- Wires block crane use
- Trees and playground equipment in the path of any direct route