December 15, 2003

BY HAND

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustments
441 4th Street, NW, Room 201
Washington, DC 20001

Re: BZA Application No. 16970 / National Child Research Center, 3209 Highland Place, N.W.; Square 2072, Lot 30
Response to DDOT Submission of November 14, 2003

Dear Chairman Griffis and Members of the Board:

On November 14, 2003, the D.C. Department of Transportation ("DDOT") submitted charts purporting to reflect observations of traffic conditions on Highland Place during limited morning time periods on three days. In response to a joint motion by the parties in opposition to either exclude the November 14 submission from the record or invite DDOT to furnish a sponsoring witness to sit for cross examination about the report, the Board of Zoning Adjustments (the "Board") left the record in this proceeding open to permit parties in opposition to file a response to the DDOT submission.

While the purpose of DDOT's improper late submission is not clear, what is clear is that these limited observation reports do not substantiate any possible claim that existing dangerous traffic and pedestrian congestion on Highland Place and Ordway St. near NCRC suddenly has been fixed. As a threshold matter, the DDOT charts cover only the morning drop off for three days when NCRC may well have known or expected that it would be observed. The submission reflects no observation of Ordway Street nor of NCRC's mid-day and afternoon pick-up and drop-off periods at either location.

Beginning on November 19 and continuing through December 12, neighbors organized a daily observation of NCRC-related traffic in the morning on both Ordway Street and Highland Place. These observations indicate that NCRC is deviating not only from the requirements of its current special exception, but also even the TMP that it has told the Board it will follow in this proceeding should its application be granted. What is apparent is that NCRC is making extraordinary and unsustainable efforts to eliminate the morning drop off queue on Highland Place.

Included with this letter are the following:

1. Photo of illegally parked NCRC parent car at 12:45 p.m. on December 12, 2003;

BZA
Case No. 16970
Exhibit No. 330

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.330

2. Photo by Barbara Haas of blind curve bottleneck at 3PM afternoon queue on December 10, 2003.

3. Photos of NCRC afternoon queue, taken on Highland Place between 3:30 and 3:40 p.m. on December 10, 2003.

4. "Tabulation of Cleveland Park Neighbors Traffic Obeservations" with included illustrative photographs A – J

5. Photographs by Derry Craig, taken from November 19, 2003 – December 10, 2003 (with explanatory captions).

The attached "Tabulation of Cleveland Park Neighbors Traffic Observations" demonstrates the following:

- NCRC appears to have lengthened the morning drop-off period to nearly a full hour, from 8:35 a.m. to 9:20 a.m. Approximately half of the children arriving at both entrances come either before or after NCRC's specified dropoff period of 8:35 a.m. to 8:50 a.m., which is the period during which their TMP calls for them to have the "orange vest" traffic helpers and uniformed traffic assistants present.
- There appears, on Highland Place, to be an inverse relationship between the observed length of the dropoff queue and the proportion of children who arrive outside of the specified dropoff times. When a small portion of the children arrive outside of the specified time, the dropoff queue is longer and is of longer duration. When greater percentages of children arrive outside of the specified dropoff period, the queue is shorter, or non-existent.
- NCRC appears to have assigned morning arrival times to particular children, as late as 9:00 a.m. or later
- NCRC apparently has urged parents to do everything possible to avoid double standing on Highland Place including increasing the usage of Ordway St. relative to Highland, parking and walking, and, the latest feature, driving around the block on Highland, 33rd Place and Newark until a parking place frees up near the school.

While these measures appear to address the most visible aspect of NCRC's congestion, the Highland Place queue, they have other adverse consequences.

- Caregivers frequently circle the block while waiting for their assigned drop-off-time or while looking for parking, and have been observed racing to capture scarce parking spaces near NCRC and then waiting until their

time to deliver children to the school. Thus, NCRC's latest efforts to eliminate its dropoff queue increases traffic on neighborhood streets and causes a greater utilization of scarce parking on near-by streets.

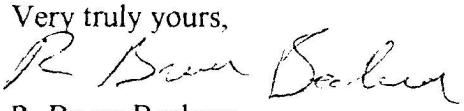
- Given the physical limitations of narrow streets and an absence of sidewalks, traffic monitors do not and cannot address the problems of traffic congestion, children walking in the street, or repeated and continuing instances of parents running local stop signs, or circling the block.
- The dangerous practices cited by neighbors and shown in the "traffic video" presented by Sallie Beckner continue unabated. Children and parents continue to walk in the street, an especially dangerous practice on Ordway Street, considering the much higher speed of the traffic there. And parents and caregivers continue to remove children from the traffic side of cars, again an especially dangerous practice on Ordway Street.
- Parents continue other illegal practices, such as parking in illegal spaces (*see* included photo by Sallie Beckner of illegally parked parent car at 12:45 p.m. on December 12, 2003), blocking driveways, etc.
- NCRC efforts may have resulted in less usage of the Highland queue during the morning period, but have not stopped the double-standing problems that exist at other times of the day. Neighbor observations recorded as many as 15 cars waiting in line on Highland. *See,* the included photo by Sallie Beckner of the NCRC queue, taken between 3:30 and 3:40 p.m. on December 10, 2004 and the included Photo Submissions of Derry Craig. The cause of this is twofold: parents and caregivers must wait to collect children at the end of their day and, in unpleasant weather, no one wants to be outside. Consequently, the length of the queue can be expected to increase as weather worsens and as NCRC's desperate efforts to show improvement in the traffic situation inevitably are relaxed.
- Photos submitted by Derry Craig on one day – November 19 – and show a catalog of continuing problems related to ongoing dangerous congestion:
  - the still lengthy Highland Place double-standing queue, with traffic "jumping" the queue by driving in the lane for on-coming traffic;
  - NCRC cars parked partially on and blocking the narrow sidewalk on Highland, and cars illegally parked across from NCRC; and
  - The everyday occurrence of delivery and service vehicles parking and driving on the wrong side of the street and compounding the problem of NCRC-related congestion.

In sum, as shown by neighbor observations over numerous days, the DDOT's submittal does not show that NCRC suddenly has succeeded in making existing dangerous conditions safe, or that NCRC suddenly has been able to enforce an effective traffic management plan, which of course has been its obligation since 1998 under the BZA's existing order. The DDOT's charts provide no basis for disregarding the overwhelming record evidence that NCRC has failed to comply with the traffic management conditions of the 1998 BZA order and that the adverse traffic impacts that were to be addressed by NCRC under the 1998 order have continued unabated and indeed have gotten worse.

Moreover, NCRC is clearly "stunting" for the benefit of this proceeding. It cannot be expected, on a sustained basis, to compel parents to exert such Herculean efforts to avoid creating a queue of double-standing cars or to have children arriving for the morning session over a 45 to 50 minute period.

This letter is submitted on behalf of the Cleveland Park Neighbors (with the expression authorization of their Attorney, Richard Nettler), and individual parties Steven Hunsicker, Henry Little, and Bruce and Sallie Beckner. We are advised that parties Gaylord Neely and Linda Badami are making a separate submission that complements this one.

Very truly yours,



R. Bruce Beckner

Attachments (4)
Cc (with attachments) (by mail, posted this date):
Maureen Dwyer, Esq
Friends of NCRC
Catherine Marshall
Nancy MacWood, Chair, ANC3c

Affidavit

With respect to the Cleveland Park Neighbors' December 15, 2003 response to the DDOT, I hereby state that the traffic observation report(s) for which I am identified as the observer and any pictures taken by me accurately reflect conditions that I personally observed on the date(s) indicated.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

Photo by Sallie Beckner of illegally parked NCRC parent car
in front of her house at 3225 Highland Place,
taken at 12:45 p.m. on December 12, 2003
(parent with child visible in distance in top photo)



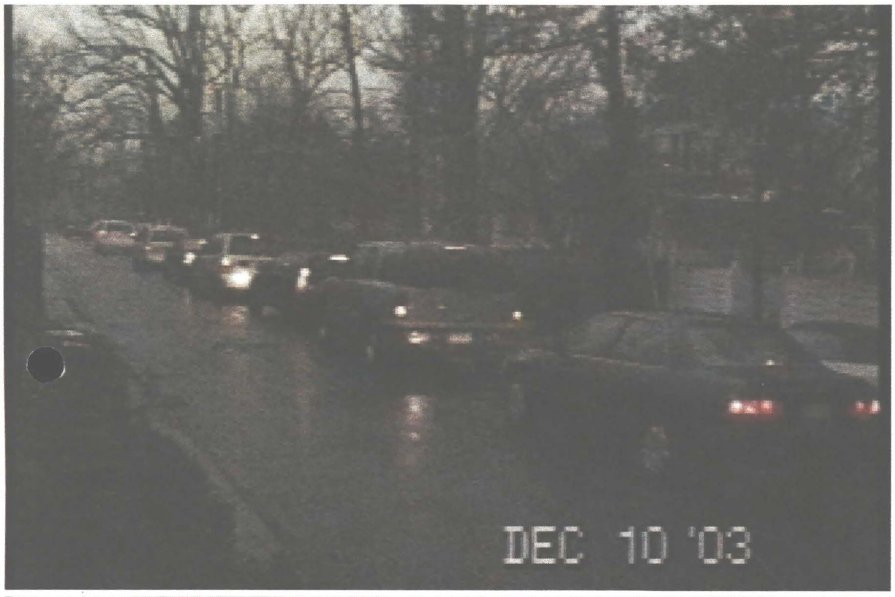
12:40 P.M.



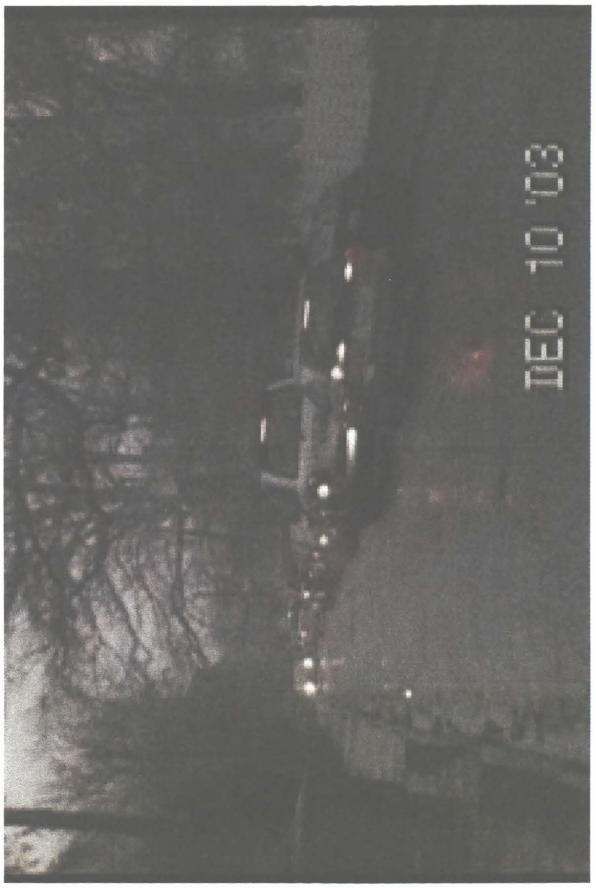
Photo by Barbara Haas of bottleneck during 3PM NCRC pickup line on December 10, 2003. (photo taken in front of Haas driveway at 3200 Highland Place.



Photos by Sallie Beckner of NCRC pickup line on Highland Place
at 3:40 p.m. on December 10, 2003
(time sequence of photos is counterclockwise from upper left)







3"

Tabulation of Cleveland Park Neighbors' Traffic Observations
November 19 through December 12, 2003

The following table presents a summary of the observations of NCRC-area residents of traffic at both the Highland Place and Ordway Street entrances during the morning drop off, advertised by NCRC as taking place between 8:35 and 8:50 a.m. (when the uniformed traffic helpers and the "orange vest" helpers go off duty) The Highland Place observer was located on Highland Place, east of NCRC and the "blind curve" and therefore was not able to observe traffic at the intersection of Highland and 33rd Place.

The observers are: Sallie Beckner, Cheryl Tennille, Dandridge Ince, Mary Poole, John Poole, Evie Rooney, Jonathan Moreno, Barbara Haas, Linda Badami, Joanne McLaughlen, Pamela Pelletreau, Laine Kaufmann, Samuel Carabetta and Carol Bosco. They are identified by their last names on the table, and initials, in the case of Mr. and Mrs. Poole. The third column identifies the percentage of the total arrivals at that entrance who came outside of the specified drop-off time, either earlier or later. Substantial numbers would come at 9:15, but some came as late as 9:25. One parent directly told Sallie Beckner that he was told to come at 9:00.

Tabulation of Cleveland Park Neighbors' Traffic Observations

Date	Observer	% A.M. arrivals outside period specified for drop-offs	observed double standing queue line on Highland Place?	Special notations and remarks
11/19	Beckner (HP) Tennille (Ordway)	45% HP 55% Ordway	No	HP: 1 car speeding DC tag BK-2384; U-turn DC AB 4422 Ordway: 16 children walking in street; 6 children removed from cars on street side; orange vest person left to walk up street at 8:45
11/20	Ince (HP) Beckner (Ordway)	43% HP 41% Ordway	No.	Ordway: Photo of parent arriving Ordway 8:30, NCRC helper absent (photo E, attached); NCRC person left at 8:40 to walk up street; 7 children walking in street (photo F, attached is an example); 2 children removed from cars on street side
11/21	M. Poole (HP) Beckner (Ordway)	30% HP 52% Ordway	Line in place from 8:30 (4 cars) to 8:50 (2 cars), with a maximum of 7 cars at 8:40 and 8:45	HP: uniformed guard arrived 10 minutes late Ordway: NCRC person left post at 8:45 to walk up street (see photo G, attached of parent and children arriving at 8:35 with no NCRC helper present)
11/24	Rooney (HP east) Beckner (HP west) Moreno (Ordway)	38% HP 40% Ordway	Line in place from 8:30 (4 cars) to 8:50 (5 cars), with a maximum of 6 cars at 8:40	HP: 25 park & walkers observed; car backed down HP to get a parking place; 8:45 – 8:50: 4 cars pass line and return after circling via 33rd Place and Newark St.

Tabulation of Cleveland Park Neighbors' Traffic Observations

Date	Observer	% A.M. arrivals outside period specified for drop-offs	observed double standing queue line on Highland Place?	Special notations and remarks
11/25	Haas (HP) Moreno (Ordway)	64% HP 25% Ordway	Up to 5 cars at 8:55 a.m.	HP: 6 children walking in middle of street; 3 driveway turn-arounds; two vehicles circling block by going left on Newark at 33rd Place, east on Newark then left again on Highland Place from Newark, 8:30 – 8:45 a.m.(photo A, photo B, attached) Ordway: 6 children walking in middle of street; 1 parent removing child on streetside with NCRC person present, taking no action
12/2	Badami (HP) McLaughlen (Ordway)	53% HP 30% Ordway	No.	HP: (see separate party submission by Badami/Neely party) ; 8:53 guard waves on 3 cars past loading zone, which circle back on 33rd and Newark, retuning to HP to find a parking place Ordway: 8 children removed from cars on street side, into traffic
12/3	Tennille (HP) Beckner (Ordway)	64% HP 22% Ordway	2 cars at 8:45 a.m.; 3 cars at 8:50 a.m.	HP: 11 speeders; 6 cars circled block before dropping off children; 2 children removed from cars on street side Ordway : 5 children removed from cars on street side, into traffic; 7 children walking in street (photo C, attached)

Tabulation of Cleveland Park Neighbors' Traffic Observations

Date	Observer	% A.M. arrivals outside period specified for drop-offs	observed double standing queue line on Highland Place?	Special notations and remarks
12/4	M. W. Poole (HP) J. Poole (Ordway)	29% HP 45% Ordway	Four cars in line at 8:30 to 5 cars at 8:50	HP: 7 park & walkers observed; neighbor's driveway obstructed (photo D, attached) Ordway: 6 children walking in street; 2 children removed from cars on street side
12/5	Pelletreau (HP) Tennille (Ordway)	count not made for HP 78% Ordway	Line begins at 8:35, with 3 cars; continues to 8:50, with 2 cars	HP: 2 U-turns; 2 turnarounds in driveways; 4 illegally parked cars; stroller in middle of street (photo H, attached) Ordway: NCRC helper present only intermittently from 8:35 – 8:52 a.m.; 8 children walking in street; 6 children removed from cars on street side
12/8	Kaufmann (HP) Beckner (Ordway)	46% HP 62% Ordway	Two cars in queue line at 8:30, queue continues until 8:50 (1car) with a maximum of 3 cars	Ordway: 4 children removed from cars on street side; 4 children walking in street
12/9	Tennille (HP) Carabetta (Ordway)	41% HP 57% Ordway	Queue began at 8:25 with one car, continuously to 8:50 with 5 cars – with a maximum of 7 cars	HP: 2 cars circle block and return 9:00 a.m.; use of neighbor's driveway to turn around Ordway: 3 driveways partly blocked; large numbers of children walking in street, being removed from cars on street side; 10 turnarounds

Tabulation of Cleveland Park Neighbors' Traffic Observations

Date	Observer	% A.M. arrivals outside period specified for drop-offs	observed double standing queue line on Highland Place?	Special notations and remarks
12/10	Beckner (HP) Badami (Ordway)	49% HP 54% Ordway	Line began at 8:30 a.m. with one car, to a maximum of 5 cars at 8:40, ending at 8:50	HP: 2 Garbage trucks and dropoff queue create additional difficulties, including for neighbor attempting to exit his driveway (photos I and J, attached) Ordway: 2 U-turns (see additional Badami/Neely party submission)
12/11	Rooney (HP) Beckner (Ordway)	74% HP 42% Ordway	No.	Ordway: unattended child ran into street, while parent was distracted; teacher car (VA #YGM-1104) apparently unable to find a parking place, backed up Ordway to 34th, turned around in intersection and drove off and was later observed parked on Highland in front of NCRC
12/12	Bosco (Ordway)	46% Ordway	N/A	Ordway: 8 children observed walking in street; impatient commuter drivers pass abruptly NCRC parents who are slowing to find a parking place

Photo A

2.



3.





1

1.



2.





3.



Photo C



Photo D

Photo E



Photo F



Photo G





Photo H

Photo I



Photo J



Photos by Derry Craig November 19 through December 10, 2003
(separately captioned and identified)

November 19, 2003



NCRC parent parked on sidewalk

8:41 am (Facing West)



Driveway to the left

UPS truck parked in street

11:30 am (Facing East)



UPS truck parked straddling sidewalk and street, just east of blind corner

Same car in pick up line that was parked on sidewalk for AM delivery

11:31 am (Facing West)

November 19, 2003



Driveway
to the left

3:30 pm (Facing East)



3:36 pm (Facing West)

November 20, 2003

USPS truck parked in front of NCRC



Cars delivering children for afternoon session

12:36 pm (Facing West)



12:37 pm (Facing West)

December 2, 2003

Delivery truck parked in road opposite our driveway



Cars picking up children from morning session

11:34 am (Facing West) with pick up line

Driveway to the left



11:35 pm (Facing East)

December 10, 2003

Garbage truck picking up trash east of blind corner



Mother and child walking in street

9:05 am (Facing West)

Resident in silver car backing out of driveway



Garbage truck west of blind corner

9:06 am (Facing West)

December 10, 2003



3:01 pm (Facing West) first afternoon pick up



3:31 pm (Facing West) second afternoon pick up