ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

December 15, 2003

By Hand Delivery

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Application No. 16970
3209 Highland Place, NW

Dear Chairman Griffis and Members of the Board:

Pursuant to your request, the National Child Research Center hereby submits its Proposed Conditions of BZA Approval.

Very truly yours,

Maureen Dwyer

Paul Tummonds

cc: See attached Certificate of Service

BZA
Case No. 16970
Exhibit No. 332

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.332

ShawPittman LLP

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2003 a copy of the foregoing was hand delivered to the following parties:

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

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

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

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

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

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

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

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

Maureen E. Dwyer

Document #: 1369123 v.1

NCRC PROPOSED CONDITIONS OF BZA APPROVAL

1. Approval shall be for EIGHT (8) YEARS.

TRAFFIC MANAGEMENT PLAN AND CARPOOL OPERATIONS

2. NCRC shall prepare a document, separate from other school notices, that will define clearly the school's policies and regulations with regard to traffic and parking (hereinafter referred to as the "TMP"), recognizing the interests and concerns of neighbors. The document will be distributed at the start of the school year to parents, who will be instructed to provide the document in turn to their child care providers. The applicant will further distribute the pamphlet to individual drivers in response to documented violations of the policy.

3. NCRC shall include in all enrollment contracts a provision that the family agrees to abide by the terms and conditions of the TMP, with an escalating system of penalties for noncompliance, culminating in expulsion. NCRC will provide identification stickers to all parents and caregivers for NCRC students so that NCRC vehicles are easily identifiable. NCRC will maintain a list of license tag numbers for all student and staff cars so that complaints can be tracked and verified.

4. NCRC carpool operations shall commence at 8:30 AM and continue until 8:50 AM each day that school is in session. In this instance, "carpool" refers to any automobile used to drop off or pick up one or more NCRC students. NCRC shall clearly define the carpool waiting line on Highland Place with a white line so that cars are not waiting at the curve on Highland Place. NCRC shall have staff present to monitor the carpool waiting line.

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

6. NCRC shall direct the uniformed persons referred to in Condition No. 5 to report to NCRC the license tag numbers of all vehicles identified by an NCRC sticker that do not comply with the parking and other restrictions outlined in NCRC's TMP.

7. NCRC will schedule all admission play sessions and prospective parent tours for non-peak times of traffic. Non-peak times are when there are no carpool operations.

8. NCRC will continue to hire three uniformed persons or off-duty police officers to monitor traffic coming to the NCRC property and assure that no objectionable or unsafe conditions arise for the following events: Back to School Night, Family Work Day, the Pumpkin Party, Community Service Day and the Pajama Picnic.

FACULTY AND STAFF

9. The maximum number of faculty and staff is 38 FTE. An employee hired to work forty (40) hours per week or more shall be considered one (1) FTE; for any part-time employee, the fractional FTE shall be

calculated by comparing the nours per week which the employee was hired to work to forty (40) hours. For the purposes of this Condition, "faculty and staff" shall not include any person hired for the sole purpose of administering the TMP.

10. NCRC will provide its staff a financial incentive to use public transportation by participating in the Metrocheck program.

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

HOURS OF OPERATION AND APPROVED EVENTS

12. The normal hours and days of operation shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday. Limited evening and weekend activity is permitted as described in Conditions 13 and 14.

13. As part of its educational mission, NCRC may host workshops or conferences on the NCRC property. No more than three such events shall take place in any twelve-month period. Further, these events shall take place only Monday through Saturday (which may include holidays) and when school is not in session. NCRC shall make arrangements for off-site parking sufficient to accommodate thirty (30) vehicles for any such event, with transportation provided by NCRC from the off-site location to the NCRC property. NCRC shall also use a uniformed person or off-duty officer to monitor parking in the area surrounding the NCRC property on the dates of these workshops or conferences.

14. The use of the property as a child development center shall be understood to include school-related events (for example, events such as those listed in Condition No. 8, parent-teacher conferences, parent lectures and meetings, meetings of the Board of Trustees, or its committees and the like). These events are not limited to the hours of operation in Condition No. 12 of this Order; rather they shall be permitted to go from 8:00 a.m. to 11 p.m. on weekdays or 9 a.m. – 5 p.m. on weekends.

15. The use of the property as a child development center shall be understood to include a summer camp program that shall be subject to the same conditions as the traditional academic year program.

16. NCRC shall not lease its property to groups not affiliated with NCRC for any events.

17. Subject to the right of NCRC to reserve the playground for its exclusive use as required by programmatic needs or for school events, after 3:30 p.m. on weekdays and all day Saturday, Sunday and holidays, NCRC's playground will be available for use by the community.

18. There will be no outdoor sound amplification system used at school events although use of a "boom box" is permitted.

ENROLLMENT AND MAXIMUM ON-SITE OCCUPANCY

19. The maximum number of students on the site at any one time during normal school hours and the Summer Camp program shall be 120.

20. Until the new classroom building (the "Carriage House") is constructed, the maximum enrollment shall remain at 171. Once the Carriage House is ready for occupancy, the maximum total enrollment of students in the school shall not exceed 181; provided, that the school has the flexibility to exceed this

number by up to two percent (2%) (not more than 4 students) in a given year. (In any case, the maximum occupancy of 120 students at any one time shall apply as specified in Condition No. 19.)

COMMUNITY DIALOGUE PROCESS

21. At the beginning of each school year, but in no event later than October 15th, the school shall provide to the Board and the Zoning Administrator documentary evidence to demonstrate its enrollment figures together with a copy of its traffic and parking regulations referenced in Condition No. 2.

22. NCRC shall form a Liaison Committee for the purpose of fostering consistent communication between NCRC and the community. A representative of DDOT will be invited to the meetings. The committee shall meet twice a year, once during the fall semester and once during the spring semester, to address any traffic issues or community concerns. NCRC shall invite the community to designate representatives to serve on the committee: its composition should include equal representation between the school and the community.

23. NCRC will designate a staff person as Traffic Liaison for the community to call with any complaints about NCRC related cars or traffic impacts.