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December 23, 2003

BY HAND
Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: Application of the National Child Research Center, BZA Application No. 16970
3209 Highland Place, N.W.
Our File No. 092441.0000

Dear Mr. Griffis:

On behalf of Gaylord Neely and Linda Badami and upon further review of the proposed findings submitted by the Cleveland Park Neighbors, *et al.*, the following clarification is offered:

On pages 38-39, the Cleveland Park Neighbors state that:

> Following the grant of its special exception in 1998, NCRC did perform one of its undertakings; it painted stripes on the streets in front of neighbors' driveways in an effort to discourage NCRC parents in the pickup/drop-off queue from blocking driveways.

However, the order in BZA Application No. 16307 did not instruct NCRC to take this action and, moreover, such action is in direct violation of Title 18, DCMR and the Manual on Uniform Traffic Control Devices (MUTCD). Specifically, sections 1A.07 and 1A.08 of the MUTCD (attached) are both written as *Standards*, which means they are a *shall* condition and must followed. In addition, sections 2100 through 2102 of 18 DCMR (Vehicles & Traffic) addresses unlawful placement of traffic control devices in the District right-of-way. Section 2102.2 provides that:

> *No person* shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official traffic control device or railroad sign or signal; or which attempts too direct the movement of traffic; or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad signal.

Section 2102.5 provides that:

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Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.342

> Each prohibited sign, signal, marking, or device is hereby declared to be a public nuisance and the authority having jurisdiction over the street or highway is hereby empowered to remove same or cause it to be removed without notice.

As a result of the foregoing, we hereby request to modify the proposed findings and conclusions submitted by Badami/Neely as follows:

46. (current last sentence, drop 'finally') Then add:

> NCRC has painted white stripes on Highland Place parallel with the driveways of NCRC's first two neighbors to the east. These stripes are to indicate where the carpool queue should start, however they create an adverse impact to neighbors entering or exiting their driveways because they do not have the required 5' setback. Moreover, NCRC does not have the authority to create what appears to be a legal traffic control device on a DC street.

Thank you for your attention to this matter.

Sincerely,

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Jeannine Rustad

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