March 23, 2004

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

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

Dear Mr. Griffis,

This paper is a supplement to **STATEMENT BY THE CLEVELAND PARK NEIGHBORS, STEVE HUNSICKER, SALLIE R. AND R. BRUCE BECKNER, LINDA BADAMI AND GAYLORD NEELY IN OPPOSITION TO THE GRANT, ON RECONSIDERATION, OF A SPECIAL EXCEPTION PERMITTING NEW CONSTRUCTION.**

The BZA has voted to reopen the record regarding NCRC's Application 16970 focusing on the proposed construction and how it relates to § 205.6 and 3104.1.

Section 3104.1 is clear. For child development centers, it states that special exceptions are (A) subject to the conditions specified in § 205. Child development centers are to be (B) in harmony with the general purpose and intent of zoning regulations and maps. Finally child development centers will (C) not affect adversely the use of neighboring property.

NCRC's current conditions and proposed conditions fail in all three measures.
Section 3104.1: Child development centers are to be (A) "subject in each case to the special conditions specified in" § 205.

205.1 Use shall be permitted "subject to the provisions of this section." This means the BZA must consider all the provisions, not some of them or one of them. That is, not just 205.6.

205.2 Though NCRC may be "capable of meeting all code and licensing requirements," they have chosen not to. They are in violation of their 1998 BZA Order 16307. The Order states NCRC may use 3 floors of one building; they are using two buildings. The Order allows 28 staff; they have 39. The Order allows 120 children; they have 168. The Department of Health has for 2 school years waived NCRC's health violation.

The proposed building does not remove these non-compliances.

205.3 "no objectionable traffic condition and no unsafe condition for picking up and dropping off children"
Much testimony has stated that current conditions are objectionable and unsafe for children and neighbors. NCRC's direct testimony has stated their *intention to use their Ordway Street entrance with greater frequency with the proposed construction.* The existing street conditions on Ordway are already unsafe and adding greater volume worsens the problems.

BZA
Case No. 16970
Exhibit No. 354

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.354

205.4 "sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors"
NCRC has been allowed to bypass this requirement.

205.5 "no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions"
NCRC currently has 3 commercial grade HVAC units for their Main Building. Anthony has said they will be relocated to the west of the building. The Main Building's addition will require increased HVAC use due to the significant interior space increase. Even if those units are relocated the increase of noise pollution to the neighborhood is marked. The sound that is currently dominated to the east will now be shifted to the neighbors on the west. Further, the new Carriage House building will require at least the same number of units given its similar size and given that it will be connected to the existing secondary building. Again, Anthony has put these new units at a high elevation relative to the new building, however given the slope of the hill the new HVAC units will be even with the *top* of the Little's 3220 Ordway home, even with the *second floors* of Ordway homes across the street and parallel to the *ground level* of the Beckner's 3225 Highland Place home. In the context of all the adjoining neighbors, the sound problem does not go away, it just shifts. No adjoining property has commercial HVAC units. The design attempts to lessen their noise. It serves to indicate of the tremendous amount of sound they will emit and how incongruent it is with a residential neighborhood. NCRC's current HVAC units impact us negatively. The increase in usage, shift of location, and doubling the number of units serves to negatively impact all the surrounding neighbors, not just us.

An argument has been made that the construction of a new classroom and office building is not objectionable because a home could be built on the location. The difference between these scenarios is that what is being proposed is not a house. It is a very busy school in a historically designated residential neighborhood. In addition to the mass of this proposed structure, there is the substantial difference between a home and a school regarding foot traffic. Compare what a home next to Henry Little's 3220 Ordway Street home would bring to the neighborhood as opposed to the expansion of school buildings. If a hypothetical family of seven was there, the daily foot traffic and associated impact to neighbors is a fraction of the foot traffic that would be there if NCRC's expansion plans were enacted. NCRC has stated that they plan to shift more students to the Ordway Street entrance were there a building.
A family of 7 people who make 4 trips per day would equal 28 total trips per day.

7 people
x 4 trips (2 coming and 2 going)
28 total daily trips

The proposed NCRC school building would bring 528 total trips per day.

84 children (50% of 168 enrolled)
x 2 trips (1 coming and 1 going)
168 trips

79 adults (some adults may have 2 children, hence 79 not 84)
x 4 trips (2 coming and 2 going, one round-trip is without children)
316 trips

17 staff (less than half of the 39 staff)
x 2 trips
38 trips

3 vendors
x 2 trips
6 trips

= 528 total daily trips

Even subtracting the number NCRC claims they currently have using the Ordway entrance leaves an increase of 198 daily trips. The reasoning is as follows: Osborne George testified that 30% of the children are currently brought in to NCRC through the Ordway entrance. Some of the NCRC staff currently use the Ordway entrance now, so eliminate any staff use increase.

34 children (20% of 168 enrolled)
x 2 trips
68 trips

31 adults
x 4 trips (2 coming and 2 going, one round-trip is without children)
124 trips

3 vendors
x 2 trips
6 trips

= 198 daily trip increase

This figure does not consider after hours nightly cleaning, monthly board meetings, conferences, special events, summer camp or any enrollment increase. Thus the figure would actually be *much higher.* The unyielding point is, however, the 28 daily trips from a family of seven is far different from the impact of 198 daily trips of a school building expansion alone (with no enrollment increase). In fact, it would take 7 families of 7 people to equal the *increase* of daily foot traffic that would be created by this school's building expansion. (It would take 19 families of 7 people to equal the total number of trips at NCRC's Ordway entrance with the existing plus increased traffic generated by the additional classroom and office building.) The scale of this proposed building is incompatible with Ordway homes; the activity is incompatible with any home.

In my oral testimony and supplementary pictures to that testimony I described the locations of maintenance equipment. The small current size of the shed, which sits on the property line of the northeast NCRC lot, currently holds play equipment and maintenance equipment. Other maintenance equipment is stored in the basement and of the Main House and the full height larger shed that is sits in the northwest corner of the Main House. All the equipment stored in and around these three locations would be relocated directly on the property line of our lot in a Maintenance Building seven times the size of what is currently there. Further, the Building's design would force all foot traffic to walk next to and parallel with the property line, rather entering from the main section of NCRC's lot.

NCRC has not disclosed all that they intend to store in the play storage of the Building, other than the bikes that are currently being stored in the existing shed. It can be assumed however that the same concept is true regarding the impact to we adjoining neighbors: the construction will concentrate foot traffic, noise and activity right next to our house.

205.6 "The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties."
This condition can break into two parts: what treatments and who they are for. Who they are for is easy: we neighbors who live next to and near the school. The hard part is what treatments. What plantings shield from Ordway neighbors over a thousand extra trips per week? What screening blocks 6 commercial HVAC units? What special treatment removes the impact of an exponential growth in maintenance and play activity by our home? Excess tree loss due to construction damage is remedied in what way? What parking areas can be created for those neighbors impacted daily by NCRC's proposed redirected traffic?
The list of undue hardship brought by the construction alone is long. Attempting to use § 205.6 to make the design fit the neighborhood places the correction of a poor design upon the BZA and the burden of the project upon those of us who live here.

205.7 and 205.8 are not applicable.

205.9 "the Board shall submit the application to the D.C. Departments of Transportation and Human Services ... and the D.C. Office of Planning for review and written reports." The Office of Planning has not promoted approval of this application. DDOT has offered several suggestions to improve current traffic, but has not deemed conditions safe.

205.10 unknown

Section 3104.1: Child development centers are to be (B) in harmony with the general purpose and intent of zoning regulations and maps.

NCRC has proudly stated that it has operated for over 75 years. However the nature of that existence has changed dramatically. Years ago the school operated on one floor of one building. Now the school says that all floors of all buildings plus two existing sheds are far too small and doubling their facility size is required. One of the blatantly overlooked facts of this mindset is that the school is operating under special exception in a historic residential neighborhood. This is the general purpose and intent of the location in which NCRC is zoned. The school is thus required to maintain itself in that character: residential, not commercial. The massing and design of the proposed additions are not at all in harmony with a residential setting. They permanently alter the terrain and forever transform the setting to be commercial. The Main Building is currently one of the largest on Highland Place. With the proposed addition plus existing secondary building, its facilities far surpass any residential home in the surrounding neighborhood. Add to that square footage the proposed Carriage House and the comparison to any residential home becomes absurd. Regardless of NCRC's lot size, the volume of their existing and proposed buildings is not in harmony nor carries the intent of zoning regulations or maps.
If the school were to relocate the buildings that would remain on the lot would be neither residential in design or scale, thus they should not be built in the first place. Though NCRC's current administration has stated during the 2003 BZA proceedings that the school will not move, NCRC's previous administration stated during the 1998 BZA proceedings that the school would not increase enrollment. The school changed its mind. NCRC's current or future administration may relocate. What buildings are left in the wake should be in kind with the area.

The density of a home is not supposed to be that of an apartment building. Twenty-eight trips per day for one home are reasonable; five hundred and twenty-eight trips per day are not.

Removing approximately 3 feet of the berm at the rear of the lot to accommodate the Maintenance and Main Buildings' depth and the enormous excavation and regrading to bury a section of the proposed Carriage House ground floor will cause damage and permanently change the land. Drainage that currently overwhelms Ordway during storms, as testified to by many Ordway neighbors, would be redirected directly into Little's back yard.

This neighborhood's designation of Historic is supposed hold within it an elevated standard of scrutiny toward drastic alterations. HPRB was wrong to put this application forward. They based their decision on false and misleading written and oral information as described in the papers titled Refutations and Clarifications of Statements Before the BZA, given to the BZA November 4, 2003 and NCRC Plans: Mistakes and Clarifications of the Submission to the Board of Zoning Adjustment dated 31 October 2002, given in my written testimony of June 10, 2003.

Section 3104.1: Child development centers will (C) not affect adversely the use of neighboring property.

Erosion, destabilization to the northern hill, destabilization of our garage's foundation, redirected drainage to Little's 3220 Ordway property, loss of a minimum of 21 trees on NCRC's lot, damage and/or destruction of the trees on the property line between our 3207 Highland home and NCRC, loss of light to our home because of addition to Main Building, loss of screening from western locales due to removal of all existing screening between NCRC and Little's 3220 Ordway property, loss of light and view of Little's 3220 Ordway property due to the proposed Carriage House, increased sound from additional units and usage of HVAC, increased activity due to the Maintenance Building, concentration of foot traffic over roots of our trees, increase of impermeable cover over roots of our trees, and increased vehicular and foot traffic on Ordway due to the proposed Carriage House are some of the ways the proposed construction will violate § 3104.1.

Since an application before the BZA is to be considered in its entirety, this notion of bifurcation is not correct. Further, the attorney for the Applicant and BZA Chair discussing the bifurcation once the record was closed is improper. So too, it is incorrect to consider only some of the applicable zoning subsections when all applicable subsections must considered. This application has been denied already and that remains the only reasonable decision.

Respectfully,

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

cc: all parties