ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW

SUITE 1200
1801 K STREET, N.W.
WASHINGTON, D.C. 20006-1307
TEL: 202-775-0725 FAX: 202-223-860
www.rkmc.com

RICHARD B. NETTLER
JEANNINE RUSTAD ZIGNER
(202) 775-0725

January 2, 2003

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D.C. OFFICE OF ZONING
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**BY HAND**

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W., Room 201
Washington, D.C. 20001

Re: **BZA Application No. 16970**
National Child Research Center
3209 Highland Place, N.W.; Square 2072, Lot 30 (the "Property")

**MOTION TO APPEAR AS A PARTY, MOTION TO DISMISS APPLICATION, MOTION FOR DECLARATORY RELIEF, AND REQUEST FOR HEARING ON MOTIONS TO DISMISS AND DECLARATORY RELIEF**

Dear Mr. Griffis:

Our firm represents the several neighbors (the "Neighbors") of the National Child Research Center ("NCRC"). On behalf of the Neighbors, we request that the Board of Zoning Adjustment (the "Board") permit the Neighbors to appear as a party in opposition to the relief requested in the above-referenced application. Additionally, we hereby request that the instant application be dismissed based on NCRC's failure to comply with the conditions set forth in the order in BZA Application No. 16307 ("Order No. 16307"), and that NCRC be ordered to come into compliance with Order No. 16307.

In support hereof, we provide the following:

## I. STATEMENT IN SUPPORT OF PARTY STATUS.

With regard to the requirements of 11 DCMR § 3106.2(a)-(d), we state as follows:



#67

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.67A1

a. Information concerning the persons seeking party status (along with their respective addresses) is attached hereto as *Exhibit 1*.

b. The Neighbors request to appear as a party to this matter;

c. The Neighbors will appear in opposition to the application; and

d. The Neighbors will appear through undersigned legal counsel.

In accordance with 11 DCMR § 3106.2(e), we provide the following:

1. Interests of the Neighbors [11 DCMR § 3106.2(e)(1) through (3)].

The Neighbors represent both adjoining property owners to the Property, as well as homeowners within the immediate vicinity of the Property. All of the Neighbors own and reside in their respective properties (with the exception of one neighbor, who presently rent their home but will return to reside in it in the near future). The proximity of each of the neighbors to the Property is illustrated on *Exhibit 1*, which is incorporated herein.

2. Impact of the Requested Relief and the Unique Interests of the Neighbors [11 DCMR § 2106.2(e)(4)&(5)].

Given the close proximity of the Neighbors to the Property, the Neighbors are uniquely affected by the operations of NCRC's activities on the Property, including the resulting traffic and noise problems. Because of their proximity to the Property, the Neighbors stand to suffer substantial harm if the Board were to grant the requested relief. The applicant proposes to construct a substantial increase in the size of the main house, a new large classroom building (a so-called "carriage house" of approximately 6,500 sq. ft. of floor space), and a new garage/maintenance building. The total square footage of improvements to the existing Property would be doubled. The applicant proposes this large project, which would become an institutional campus, and has suggested that this increase in size is needed to accommodate an increase in size of only ten (10) students. The requested increase in students is disproportionate to the proposed increase in building square footage, and constitutes a misrepresentation regarding the size of its student population and its impact on the neighborhood. If approved, there would be inevitable economic pressure in future years for additional increases in students, staff, and even greater intensified use of the Property. Such intensified use of the Property would result in further adverse consequences to the surrounding neighborhood.

By way of example, for the first time, NCRC claims that its current special exception for a child development center of 120 children is not a cap on enrollment but only limits the maximum

number of students at the school at "any one time." Such assertion is in direct contradiction of its representations and testimony to the Board in BZA Application No. 16307, pursuant to which the special exception to operate a child development center of 120 students was sought by NCRC and granted by the Board. Under NCRC's current interpretation of its special exception, rather than have permission to operate with one primary drop-off time in the morning with staggered pick-up times at mid-day and in the afternoon, NCRC's misrepresentations regarding its enrollment and illegal increase in the size of its student body and faculty permit it to have at least two (2) sessions, with at least two (2) major drop-off times and an unknown number of pick-up times. Such operation serves to, and will continue to result in both increased and prolonged congestion to the narrow surrounding streets and a fundamental change in the character of the neighborhood.

The harm to the Neighbors by NCRC's current proposal is magnified by the fact that NCRC is currently in violation of Order No. 16307, which is attached hereto as *Exhibit 2*. Specifically, NCRC has failed to meet the express conditions relating to traffic and traffic management attendant to the grant of its special exception in 1998. 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/dropoff queue from blocking driveways. NCRC has only inconsistently informed its parents of its so-called traffic management plan; it has not provided radio-equipped traffic monitors at both its Ordway Street and Highland Place drop off locations. And, until it began to take traffic issues seriously in late 2001 and in 2002, in contemplation of the filing that is the subject of this Motion, it was indifferent at best to neighbors' traffic concerns, which were first voiced in 1998 in the process that led to Order No. 16307. The result of this has been a sometimes chaotic traffic situation in which NCRC parents park illegally, sometimes on lawns, block neighbors' driveways, obstruct the exit from nearby streets and perform illegal maneuvers putting neighbors and children alike at risk. *See Exhibit 3*.

Additionally, as indicated, NCRC is in violation of the cap on its enrollment of 120 students and staff limitations of twenty-eight (28). Rather than come into compliance with Order No. 16307, which does not expire until March 3, 2007, by the instant application, NCRC is attempting to circumvent the conditions of that order and its commitments to its neighbors and the surrounding community.

If the relief sought by NCRC is granted, it will have a profound impact on the character of the neighborhood. The institutional campus sought to be created by NCRC is not in keeping with the residential development patterns in this special area. Moreover, it would be overly burdensome on the non-arterial streets of the neighborhood, a characteristic noted years ago when the Board denied NCRC relief which would have resulted in a similar consequence. *See Exhibit 4a* (BZA Appeal No. 7503, October 23, 1963). As in the instant case, objection to the requested expansion of enrollment and construction of additional improvements at the Property sought by NCRC in BZA Appeal No. 7503 were based on: "objectionable traffic conditions brought about by parents bringing

children to the school and taking them home", as well as the institutional nature of the proposed construction, which was not compatible with the residential character of the neighborhood. *Exhibit 4a; see also Exhibit 4b.* BZA Appeal No. 7503 emphasizes NCRC's sustained violations of the Board's prior orders and the Zoning Regulations.

## II. MOTION TO DISMISS

### A. Statement of Facts.

1. NCRC's Occupancy of the Property.

NCRC has owned and occupied the Property, which is in the R-1-B Zone District, since 1935. The Property is a contributing building in the Cleveland Park Historic District ("CPHD"). The Property is characterized by open green space and is improved with a Victorian-style mansion.

At its inception, NCRC primarily served children residing in the surrounding neighborhood, who were able to walk to the Property. *See Exhibit 5 (Housing and Equipping the Washington Child Research Center*, U.S. Dept. Of the Interior, Office of Education, Washington, reprint from School Life, December 1929.) The article notes that one of the criteria for finding a home for NCRC was that it be located "in or near a residential district in which there [were] young children". However, over the years, the number of children enrolled at the Property from outside the immediate area, including the District of Columbia, Virginia and Maryland, has significantly increased. This has resulted in a corresponding increase in traffic in the surrounding neighborhood, which has adversely affected the neighborhood. Because the children are young and require car seats, car pooling is not a realistic possibility, and the volume of traffic and size of the vehicles only continues to increase. Further compounding matters is the fact that, since the mid-1990s, there have been several instances where NCRC has disregarded DC Regulations and/or violated its restrictions on enrollment, including NCRC's current violation of Order No. 16307.

2. NCRC's Violations and Events Leading to the Filing of BZA Application No. 16307.

In March of 1981, NCRC was issued a certificate of occupancy for ninety (90) students. *See Exhibit 6* (Certificate of Occupancy No. B101503). In September 1996, DCRA became concerned with occupancy limits imposed by application of D.C. Health regulations and the fact that (1) NCRC's occupancy at the time was 105 students, (2) NCRC had a certificate of occupancy at the time for only ninety (90) students, and (3) DC Health regulations would permit up to 108 students to be in the classrooms. Thus, in 1996, the school was in technical non-compliance with D.C. Department of Health regulation requirements because the school exceeded its Certificate of Occupancy, even though D.C. Department of Health regulations themselves would have allowed 108 students in the facilities as they were being used at the time. NCRC then applied for a new

Certificate of Occupancy for 108 students. The subject of NCRC's total enrollment was not discussed on the record although in discussions with neighbors NCRC represented that the 120 cap it sought was for total enrollment, not occupancy at any one time. On January 9, 1997, NCRC's application for a certificate of occupancy for 120 students was denied based on the need for approval from the Board of Zoning Adjustment (the "Board"). *See Exhibit 7.*

According to DCRA's November 1997 measurements of NCRC's facilities, the maximum number of students permitted at the facility was 108. This conclusion was confirmed by several neighbors and the Department of Health. *See Exhibit 8.*

3. BZA Application No. 16307.

On November 11, 1997, NCRC filed an application ("Application No. 16307") with the Board for a special exception "to increase the number of students for Child Development Center to 108." *See Exhibit 9.* Responding to the DCRA's October 1, 1997 "Statement of Deficiencies and Plan of Correction Continuation Form," NCRC wrote on November 17, 1997 that, "Mr. Watson [the school's retained attorney] has submitted the necessary paperwork to the Board of Zoning Adjustment to request the changes *which will bring the Certificate of Occupancy in line with the school's Child Care Permit.*" *Exhibit 10* (emphasis added).

By summary order dated January 21, 1998, the Board granted Application No. 16307. *See Exhibit 11.* However, as it was later discovered that proper notice had not been provided, a rehearing was scheduled for April 1, 1998. *See Exhibit 12.* In fact, NCRC failed to provide proper notice the second time, as review of the service list establishes. *See Exhibit 13.* For example, many owners who live on Highland Place, including at least one who lives adjacent to the school, were not served, even though residents on Porter Street were served. *Id.*

In the interim, by letter dated March 23, 1998, the Department of Health informed NCRC that, as the certificate of occupancy for the Property limited enrollment to ninety (90) students, NCRC's license from the Department of Health was likewise reduced to ninety (90) students. *See Exhibit 14.* Moreover, the letter directed that "if you are over capacity you must *reduce the number of children enrolled through attrition immediately.*" *Id.* (emphasis added).

At the January 21, 1998 hearing on Application No. 16307 before the Board, the Acting Director of NCRC testified that the hours of operation were 8:00 a.m. to 4:00 p.m., with students present from 8:35 a.m. to 3:30 p.m. *See Exhibit 15* at p. 116. Moreover, at this hearing, it was represented that NCRC had a license for 120 students. *See Exhibit 15* at p. 117. Specifically, when questioned about the number of students sought under BZA Application No. 16307, it was represented by NCRC's attorney that:

> The original request for student occupancy was at 120 *which was previously the number that was in the license*. At present, they have 108 students. We would like it for 120.

*Exhibit 15* at p. 117 (emphasis added). Similar representations were made to the Advisory Neighborhood Commission ("ANC"). *See Exhibit 16.* However, at the April 1, 1998, hearing, NCRC testified through the same witness who provided testimony on this subject at the earlier hearing, that its operations were from 8:00 a.m. to **6:00 p.m.** *Exhibit 18* at p. 11; *see also Exhibit 19.* In fact, at that time, NCRC had no early morning program and, although a few students may have remained at the Property beyond 3:30 p.m., upon information and belief, NCRC did not have a formal extended day program. Thus, the testimony of the Acting Director at the April 1998 hearing was not accurate. *Compare Exhibit 15* at p. 116 *with Exhibit 18* at p. 11.

With regard to the increase sought by Application No. 16307, although the application, as filed, sought an increase to 108 students, at the January 21, 1998 hearing, it was testified that NCRC was seeking an increase to 120 students. *Compare Exhibits 9* and *15* p. 117; *see also Exhibit 19.* Although its license and certificate of occupancy limited enrollment to ninety (90) students, the actual student enrollment at the time was approximately 166 students. Since some of these students attended school for only one-half day, it was possible for the school to accommodate this number while having no more than 105 children in the building at any one time by having separate morning and afternoon classes.

However, as already noted, D.C. Department of Health had advised the school that it would license the school only up to an *occupancy* level of 108 students based on the physical size of the existing facilities. *Exhibit* 8. Therefore, there was no way that, with the existing facilities, the school could use a grant of an *occupancy* level from the BZA that was greater than that figure. During the proceedings on Application No. 16307, NCRC repeatedly stated that it would not seek to increase its enrollment beyond 120 students. *See e.g. Exhibits 15* at p. 114, and *18* at pp. 11-12. Moreover, it was repeatedly represented that there would be no alterations to, or new construction at, the Property. *Id.* Thus, there can be no question that the 120 figure referred to total enrollment, not to occupancy, because D.C. Department of Health would limit occupancy under its license to the school to no more than 108 students in the classrooms in the existing facilities.

The Department of Public Works recommended approval of Application No. 16307, with a limit of 108 total students. *Exhibit 19.* After extensive discussions with the surrounding neighbors and NCRC, the ANC recommended approval of the application, with conditions. *Exhibits 16* and *17.* Several neighbors testified at the April 1, 1998 hearing regarding traffic problems, including double and triple parking on the neighboring streets, resulting from the operations of NCRC at the Property. *See Exhibit* 13 pp. _____.

By summary order dated March 3, 1999 ("Order No. 16307), the Board approved Application 16307 for an increase in students to 120 and a staff of twenty-eight (28), with conditions. *Exhibit 2*. Conditions included a limitation on the hours of operation from 8:00 a.m. to 5:00 p.m. on weekdays and the implementation of policies and procedures to lessen the adverse impact on traffic in the neighborhood. *Id.*

4. Current Violations.

a. NCRC's Enrollment and Staffing Exceeds the Caps Set Forth in Order No. 16307.

Despite the limitations on enrollment and staff of 120 and twenty-eight (28), respectively, NCRC currently enrolls at least 168 students[1] and has a staff of thirty-seven (37). Somewhat disingenuously and in direct contradiction to the record in BZA Application No. 16307, NCRC now claims that the limit on the number of students in the Special Exception granted in Order No. 16307 applies only to the number of students on the Property at any one time, and not to total enrollment. NCRC asserts that with multiple sessions and corresponding staggered drop-off and pick-up times, there are no more than 120 students at the Property at any one time and, therefore, NCRC is in compliance with its representations to the BZA during the 1998 hearing, Order No. 16307, and the agreement with the ANC. However, NCRC never took such a position before when it sought relief in 1997 and 1998 as a consequence of its long-standing violations of the 1981 Sepcial Exception and Certificate of Occupancy, which was for only 90 students.[2] As illustrated below, this argument must fail.

First, as conceded by NCRC during the proceedings in Application No. 16307, its license from the Department of Health limits enrollment to 108 students, not 120 students at any one time. Consistent with this, NCRC repeatedly testified that it was seeking an increase in "enrollment," not its occupancy at any one particular time. *See Exhibits 15* at p. 114, and *18* at pp. 11-12.

Second, the record is absent of any reference to multiple drop-off times, which would have been necessary for a review of NCRC's application if it was claiming that its occupancy was a different amount than its enrollment. To the contrary, there is only discussion of a morning drop-off time between the hours of 7:00 a.m. and 8:30 a.m. *See Exhibits 15* p.12 and *18*. It was only contemplated that there would be one drop-off time and that the maximum students arriving during

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[1] An enrollment figure of 171 was mentioned at the ANC's September 23, 2002 meeting.

[2] Of course, no matter how one counts it, the school was indisputably in violation of its 1981 Certificate and Special Exception for all of the years prior to 1998 when both its enrollment and its occupancy were substantially more than 90 children.

that one time period would be 120. Although there may be staggered pick-up times (i.e., some students may stay longer at the Property), so long as the total number of students enrolled is 120, there should be no adverse impact result from the staggered pick-ups of 120 students. In contrast, assuming there were two sessions, each enrolling 120 students, the traffic in the neighborhood would potentially be doubled. Presumably, under this scenario, there would be an overlap of pick-up from the early session and drop-off for the later session. In fact, this scenario is only slightly different than the situation that actually exists. Because the school uses separate morning and afternoon sessions, its actual enrollment is substantially more than the number of children present at any one time. The results of this is that there is, in addition to the morning drop-off and the afternoon pickup, a mid-day period when morning-only children are collected and afternoon-only children are dropped off. If NCRC were to fully exploit its "at any one time" position that it asserts, the results would be disastrous to the overcrowded neighborhood streets as up to 240 round trips every day would be made to deliver and collect children.

Finally, the community, including the Neighbors, relied on NCRC's representations that it would not seek to increase its enrollment above 120 students. Without this representation, the Neighbors would have continued pursuing their opposition to BZA Application No. 16307. However, less than four (4) years after the date of Order No. 16307, NCRC now seeks to *double* its enrollment and, in the process, disregards both its commitments to the community, as well as the restrictions set forth in Order No. 16307.

b. NCRC Has Failed to Implement and Enforce Any Traffic Safety Measures.

Also critical to the support of the community, including the Neighbors, to BZA Application No. 16307, was NCRC's commitment to implement and enforce traffic safety policies for the drop-off and pick-up of its students. Contrary to these commitments to the community and in violation of its obligations under Order No. 16307, parents and guardians of NCRC's students continue to double and triple park on the surrounding streets, block driveways and disrupt traffic flow in the neighborhood.

c. NCRC's Other Violations of the Zoning Regulations.

On November 8, 2002, NCRC held a "conference" at its premises for other early childhood educators and specialists. *See Exhibit 20.* This use of the Property, which did not involve interaction with NCRC's students or their parents, was in violation of the zoning regulations and Order No. 16307. Billed as the first of a series of annual conferences, it demonstrates a continuing indifference to the regulations and the specific order issued by this Board. Nor was such a conference accessory to NCRC's use of the premises. Rather, the use of the premises for a "conference" further demonstrates NCRC's indifference to any restrictions placed upon it by this Board or the application

zoning regulations. Based upon literature prepared by the school, the Neighbors anticipate more of these types of institutional conferences, if the application is approved.

In addition, while the school has held a limited number of special events in the past, frequently on a weekend day, the number of these events has increased and the noise generated from some of the events (e.g., loud blowers to clear the property in the early morning, loudspeakers with music or announcements) has intensified. These events draw the entire school population — teachers, staff, children, parents, grandparents - all at one time, and impose even more severe parking, noise and safety problems on the Neighbors. One specific and recent example is this year's Halloween pumpkin party. D.C. Noise regulations prohibit the operation of leaf blowers before 9:00 am on Saturdays and Sundays. *See Exhibit 21*. NCRC had one leaf blower in operation beginning at 7:15 am and refused to stop when asked. *Id.* In residential areas, D.C. Noise regulations prohibit, unless specifically exempted, noise levels in excess of 60 dBA, measured at the property line. For the recent Halloween party, the noise, measured with a sound level meter, was between 75 to 80 dBA twenty feet (20') from the property line. *Id.* The source of the noise was not children playing, rather it was generated by an amplified public address system that was playing loud music. *Id.* What this sound level meant in practical terms was that the sound was obtrusively audible inside the house that adjoins the NCRC property, with the windows closed. *Id.* When a neighbor asked a second time that the music be reduced in volume, the NCRC director refused to do so. *Id.*

**B. Legal Argument - Motion to Dismiss.**

1. NCRC Should Be Estopped From Seeking to Increase Its Enrollment.

A party raising equitable estoppel must show that he changed his position prejudicially in reasonable reliance on a false representation or concealment of material fact which the party to be estopped made with knowledge of the true facts and intent to induce the other to act. *Nolan v. Nolan*, 568 A.2d 479, 484 (D.C. 1990).

In the instant matter, the Neighbors, through their participation with the ANC, sought to oppose NCRC in BZA Application No. 16307. However, based upon representations and assurances from NCRC, including, most notably, that (1) it would not seek to increase its enrollment and (2) there would be no new construction on the Property, the Neighbors withdrew their opposition. Not only did NCRC represent that there would be no increase in its enrollment, NCRC repeatedly represented to the community and the Board that it was seeking the increase in its enrollment in BZA Application No. 16307 to reflect the actual number of students enrolled at the time. That is, NCRC was seeking to increase its cap on enrollment to cure its then existing violation of its certificate of occupancy. As a result of the community's withdrawal of its opposition, the ANC supported BZA Application No. 16307. *Exhibits 16* and *17*. Subsequently, the Board approved the relief requested in BZA Application No. 16307. *Exhibit 2*.

Contrary to its representations to the community in BZA Application No. 16307, less than four (4) years later, NCRC is seeking to do exactly what it assured the Neighbors it would not do. The community, including the Neighbors, withdrew their opposition to BZA Application No. 16307 in reliance on NCRC's representations with regard to no further increases in enrollment and no new construction on the Property. In addition to withdrawing its opposition, the community supported approval of BZA Application 16307 for eight (8) years, rather than the five (5) year limitation it initially sought.

In this application, NCRC, for the first time, states that it is seeking approval for occupancy of 120 students at "*any one time*" for both morning and afternoon sessions. NCRC further alleges that Order No. 16307 permits occupancy of 120 students "*at any one time*" rather imposing a total enrollment limit of 120 students. However, it is clear that the BZA and the Department of Health limited NCRC's enrollment, as distinct from occupancy at any one time, to 120 students with a staff of twenty-eight (28). Any different conclusion results in an intolerable adverse impact on the surrounding neighborhood traffic conditions.

Furthermore, as noted above, the April 1, 1998 hearing in BZA Application No. 16307 proceedings focused on the adverse impacts caused by traffic congestion. NCRC now argues that the relevant condition imposed by the Board was intended to refer to a maximum occupancy at any one time, rather than a cap on total enrollment. This argument makes no sense. The concern of the ANC, neighbors and the Board over increasing traffic impacts that were emphasized in the Application No. 16307 proceedings are much more meaningfully addressed by an enrollment cap rather than a limit on occupancy at any given time. Increasing traffic impacts would not be addressed by a condition that could be construed as permitting multiple populations of 120 young children during the day, e.g., in separate morning, mid-day or afternoon sessions. Given the concern about increasing traffic impacts in 1998, it is not credible to suggest that when BZA set a maximum limit of 120 children, it intended to specify a condition that could be construed as allowing the potential additional traffic and parking congestion of multiple populations of up to 120 children, so long as there were no more than 120 children in occupancy at one time.

In sum, the Board and the community, including the Neighbors, understood NCRC's representations in 1998 to mean that it would not seek to increase its enrollment above 120 students. Without this representation, the Neighbors would have continued pursuing their opposition to BZA Application No. 16307. More to the point, the Board imposed a condition that reflected this understanding of NCRC's representations: "the maximum number of children shall not exceed 120." If the BZA had intended to refer to occupancy, it would have expressed the condition as "the maximum number of children in occupancy at any one time shall not exceed 120," similar to language that NCRC now proposes in Application No. 16970. NCRC now claims, in effect, that in 1998 the BZA meant to approve morning and afternoon programs for 120 students at any one time.

But that interpretation is contrary to NCRC's 1998 commitments to the community, the record of the proceedings in Application No. 16307 and the clear meaning of the final restrictions set forth in Order No. 16307.

2. NCRC's Request for Relief Should Be Dismissed Based on Its Violation of the Conditions Set Forth in Order No. 16307.

Section 3205.3 of the Zoning Regulations provides that:

> If a building permit or certificate of occupancy has been issued under the authority of a decision of the Board of Zoning Adjustment to approve a special exception or variance, then for the purposes of §§3205.4 and 3205.5 of this section, each term and condition to the approval of the special exception or variance shall be treated as a condition to the issuance of the building permit or certificate of occupancy.

11 D.C.M.R. § 3205.3. Section 3205.4, in turn, provides that:

> Any person who owns, controls, occupies, maintains or uses any building, structure or land or any part of any building, structure or land shall at all times comply with any condition to the issuance of the certificate of occupancy for the building, structure, or land, or part thereof.

11 D.C.M.R. §3205.4.

Order No. 16307 limits enrollment at the Property to 120 students and limits staffing to twenty-eight (28). In violation of these limitations, NCRC currently enrolls 171 students and has a staff of thirty-seven (37). In addition, other outside contractors (e.g., occupational therapists, other specialists) travel regularly to the Property to provide services to the children pursuant to direct contractual relationships with the students' parents and not with the school. Thus, they are independent contractors using the school as a venue to deliver their services and not part-time members of its faculty. The enrollment since the approval of BZA Application No. 16307 in 1999, has been:

| Year | Enrollment |
|---|---|
| 1999 | 170 |
| 2000 | 172 |
| 2001 | 169 |

*See Exhibit 22.* Moreover, staffing has exceeded the permitted twenty-eight (28) full-time equivalents.

Moreover, NCRC's reason for seeking an increase in enrollment in BZA Application No. 16307 was that it was then in violation of its certificate of occupancy. Clearly, NCRC has a history of disregard for compliance with the Zoning and Building Regulations dating back to at least 1994. Accordingly, NCRC's application should be dismissed with restrictions on refiling until such time as it brings itself into compliance with the Zoning Regulations.

4. Request for Declaratory Relief.

As illustrated above, NCRC has a long history of exceeding limitations put on it by the Board, as well as disregarding its commitments to its neighbors. Such action cannot be condoned. Accordingly, NCRC must be compelled to come into compliance with Order No. 16307. In order to accomplish this end, the Neighbors hereby request the following declaratory relief from the Board:

(1) Finding that NCRC is in violation of Order No. 16307, as it has an enrollment exceeding 120 students and a staff of over twenty-eight (28);

(2) Ordering NCRC to bring itself into compliance with Order No. 16307 by reducing its enrollment to 120 students and its staff to twenty-eight (28)

(3) Based on NCRC's assurances in that matter that it would not be seeking increases in its enrollment and that there would be no new construction on the Property, along with the fact that Order No. 16307 does not expire until March 2007 (a term seven years shorter than what NCRC sought), an order barring NCRC from refiling the instant application or filing an application for new construction and increased enrollment until six (6) months prior to the expiration date of Order No. 16307.

(4) Direct the Department of Consumer & Regulatory Affairs to institute proceedings to bring NCRC into compliance with the foregoing, or, in the alternative, to direct DCRA to refer the matter to the Office of the Corporation Counsel to initiate either civil or criminal proceedings to insure compliance with the applicable zoning regulations.

## II. REQUEST FOR HEARING

In the interest of time and costs, the Neighbors hereby request that the instant motion to dismiss be heard in advance of the scheduled February 11, 2003 hearing date.

## CONCLUSION

The Neighbors submit that they meet the criteria to be granted party status in the instant matter and, for the foregoing reasons, respectfully request that the instant application be dismissed and for an order directing NCRC to come into compliance with Order No. 16307.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

Enclosures (as stated)
cc: Mr. Denzel Noble (by hand; w/encl.)
Office of Planning (by hand; w/encl.)
DCRA, Zoning Administrator

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

ATTORNEYS AT LAW

SUITE 1200
1801 K STREET, N.W.
WASHINGTON, D.C. 20006-1307
TEL: 202-775-0725 FAX: 202-223-86(
www.rkmc.com

RICHARD B. NETTLER
JEANNINE RUSTAD ZIGNER
(202) 775-0725

January 2, 2003

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

Re: **BZA Application No. 16970**
National Child Research Center
3209 Highland Place, N.W.; Square 2072, Lot 30 (the "Property")

Dear Mr. Griffis:

We are hereby submitting a Request for Party Status, Motion to Dismiss Application, Motion for Declaratory Relief and Request for Hearing on Motions to Dismiss and Declaratory Relief. Because it is our contention that, due to NCRC's ongoing violations of the Order in BZA Application No. 16307, pursuant to which NCRC is currently operating, the instant application should not be entertained by the Board, we hereby request a hearing date on these motions in advance of the scheduled hearing date on the merits of February 11, 2003.

Thank you for your attention to this matter.

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2003 JAN -2 PM 2:12

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

Enclosures
cc: Office of Planning
ANC 3C
Neighbors

BZA
Case No. 16970
Exhibit No. 67

## EXHIBIT LIST

| Exhibit No. | Description |
|---|---|
| 1 | List of Neighbors |
| 2 | Order in BZA Application No. 16307 |
| 3 | Photographs of parking violations |
| 4a | Order in BZA Appeal No. 7503 (October 23, 1963) |
| 4b | Memorandum in Opposition to BZA Appeal No. 7503 |
| 5 | *Housing and Equipping the Washington Child Research Center*, U.S. Dept. Of the Interior, Office of Education, Washington, reprint from School Life, December 1929 |
| 6 | Certificate of Occupancy No. B101503 (3/11/81) |
| 7 | DCRA January 9, 1997 denial of NCRC application for a certificate of occupancy for 120 students |
| 8 | File Memo dated November 21, 1997 with classroom measurements |
| 9 | BZA Application No. 16307 |
| 10 | NCRC November 17, 1997 letter |
| 11 | BZA Application No. 16307 Summary Order (January 21, 1998) |
| 12 | February 19, 1998, Notice of April 1, 1998 rehearing (BZA Application No. 16307) |
| 13 | Office of Zoning certificate of service (BZA Application No. 16307 exhibit 6) |
| 14 | Letter dated March 23, 1998 from DC Department of Health Licensing Regulation Administration to NCRC |
| 15 | January 21, 1998 BZA Transcript (BZA Application No. 16307) |
| 16 | March 23, 1998 ANC 3-C Resolution |
| 17 | April 29, 1998 ANC 3-C Resolution |

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| | |
|---|---|
| 18 | April 1, 1998 BZA Transcript (BZA Application No. 16307) |
| 19 | March 27, 1998 Memorandum from DPW to the Office of Zoning regarding BZA Application No. 16307 |
| 20 | NCRC letters regarding its November 8, 2002 "Early Childhood Education Conference" |
| 21 | Statement of R. Bruce Beckner |
| 22 | Spreadsheet regarding student enrollment |

**Exhibit 1**

## LIST OF NEIGHBORS

**John & Leslie Oberdorfer**
3415 Ashley Terrace, N.W.

**Gaylord Neeley**
3207 Highland Place, NW

**Cheryl Tennille**
2950 Newark Street, N.W.

**Doug &Esther Namian**
3312 Newark Street, N.W.

**Gene Carter/Rita Rodriquez**
3075 Ordway Street, N.W.
Purchase date: May 1983

**William & Danny Ince**
3224 Highland Place, N.W.

**Charles Both**
3411 33rd Place, N.W.

**John and Mary Poole**
3125 Newark Street, N.W.

**Laine Shakel Kaufmann**
3230 Highland Place, NW

**Tom and Beverly Malatesta**
3085 Ordway Street, N.W.

**Stephen and Barbara Haas**
3200 Highland Place, N.W.

**Pam Pelletreau**
3220 Highland Place, N.W.

**Marc and Nancy Fetterman**
3318 Ordway Street, N.W.
Length at residence: 19 years

**Malcom Bertoni**
3122 Ordway Street, N.W.

**Exhibit 1**

**Linda Badami**
3207 Highland

**Leila Afzal**
3006 Ordway Street, N.W.

**Donald Joseph Wood**
3101 Highland Place, N.W.

**Jane & Reeve Vanneman**
3071 Ordway Street, N.W.

**Robert Stern**
3218 Newark Street, N.W.

**William and Susan Taylor**
3301 Highland Place, N.W.

**Ana Testblum/Tom Evans**
3075 Ordway Street, N.W.
Length of time at residence: May 1992

**Leonard N. Chanin**
3057 Ordway Street, N.W.

**Andrew Hamilton**
3530 34th Place, NW

**Gregory Craig**
3155 Highland Place, N.W.

**Jonathan Moreno**
3079 Ordway Street, N.W.

**Lydia Mendoza & Henry Little**
3220 Ordway Street, N.W.

**Margaret Siegel**

**Nancy Harter**
3028 Newark, NW

**Paula Atkeson**
3141 Highland Place, N.W.

**Sam Carabetta and Richard Molinaroli**

**Exhibit 1**

**Stuart Sotsky, MD**
3067 Ordway Street, N.W.

**Whit Peters**
3250 Highland Place, N.W.

**Evie Rooney**
3150 Highland Place, N.W.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**Application No. 16307 of National Child Research Center**, pursuant to 11 DCMR 3108.1 and 3107.2 for a special exception under Section 205 to establish a child development center for 120 students ages 2 ½ to five years and 28 staff in the basement through third floor of an existing building, and a variance from the provisions of Section 2101 for off-street parking in an R-1-B District at premises 3209 Highland Place, N.W. (Square 2072, Lot 30 (855 & 866)].

**HEARING DATE: January 21 and April 1, 1998**
**DECISION DATE: January 21, February 4 and May 6, 1998**

## SUMMARY ORDER UPON REHEARING

The application was amended at the public hearing to eliminate the variance from 11 DCMR 2101 for off-street parking. The applicant submitted into the record a letter dated November 12, 1997, from the State Historic Preservation Officer for the District of Columbia stating that the subject building is either a historic landmark in the D.C. Inventory of Historic Sites or is located within a historic district and contributes to the character of the historic district. The Board determined that a parking variance is not needed based on Subsection 2100.5 of the Zoning Regulations which exempts such historic structures from providing additional parking when the use is changed.

For the January 21, 1998 hearing, the Board provided notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to this application, submitted a written statement of issues and concerns in support of the application. However, on, February 3, 1998, ANC 3C submitted a letter dated January 27, 1998 protesting the inadequate public notice in the application and requested that a new public hearing be held after proper notice has been given. The ANC noted that the notices were received very late due to the holiday season and new hearing would allow for a full discussion about parking and child drop-off and pick-up.

The Board considered the request at its public meeting of February 4, 1998 and granted the rehearing. The new hearing was held on April 1, 1998.

For the April 1, 1998 hearing, the Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

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

2. The applicant shall prepare a pamphlet, separate from other school notices, which will define clearly the school's policies and regulations with regard to traffic and parking. The pamphlet will recognize specifically the interests and concerns of neighbors regarding school-related traffic and parking. The pamphlet will be distributed at the start of the school year and three additional times during the school year to parents and child care providers. In addition, the pamphlet will be given to families that change caregivers, and the applicant will further distribute the pamphlet at such other times to individual drivers if violations of the policy are noted by the monitors or neighbors.

3. The applicant shall clearly define the carpool waiting line on Highland Place and any carpool waiting line, and the location of its starting point shall be marked with a traffic cone placed in the street at each scheduled pick-up time to minimize blocking of traffic, particularly at the curve on Highland Place. In this instance, "carpool" refers to any automobile used to pick up one or more NCRC students.

4. Formation of the carpool waiting line shall not be permitted prior to 10 minutes before dismissal time.

5. Clearly identifiable NCRC staff using walkie-talkies (or other communication technology) shall monitor drop-off and pick-up points on Highland Place and Ordway Street with specific attention to ensuring that driveways and traffic is not blocked.

6. The applicant and ANC 3-C shall jointly request that the Department of Public Works mark no-parking areas at all the corners of Highland and 33rd Places with both signs and pavement markings to indicate clearly the limit of parking close to these corners. They will further request that parking adjacent to the school property along Ordway Street be limited to 15 minutes on school days between 7:00 a.m. and 8:30 a.m. with appropriated signage and pavement markings.

7. The applicant's staff shall warn violators of traffic regulations and shall request enforcement by the Metropolitan Police if violations persist..

8. The applicant shall not object to or in any way discourage any extension of residential permit parking on streets within the area of the school (except with regard to the actual frontage of NCRC on Highland Place and Ordway Street, N.W.).

9. The hours and days of operation shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**DECISION DATE: February 4,1 998**

**VOTE:** 4-0 (Susan Morgan Hinton and Sheila Cross Reid to **APPROVE** the request to **REHEAR** the application; Betty King and Maybelle Taylor Bennett to approve by absentee vote).

**DECISION DATE: May 6, 1998**

**VOTE:** 3-0 (Betty King and Sheila Cross Reid to grant; Herbert M. Franklin to grant by absentee vote).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

**ATTESTED BY:** Sheri M. Pruitt-Williams
**SHERI M. PRUITT-WILLIAMS**
**Interim Director**

**Final Date of Order:** MAR - 3 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL

COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

16307ord/twr/ljp

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 16307**

As Interim Director of the Office of Zoning, I certify and attest that on MAR - 3 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Matthew Watson, Esquire
1701 Q Street, N.W.
Washington, D.C. 20009

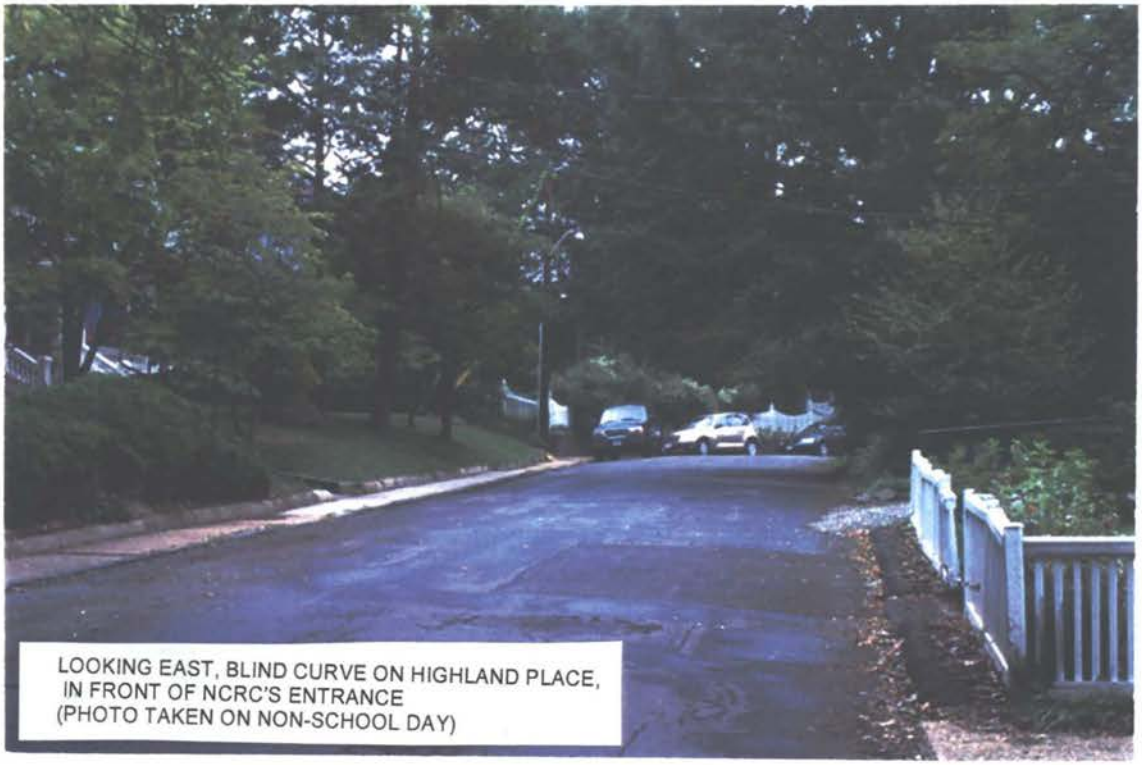
Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

**Attested By:** Sheri M. Pruitt-Williams
**SHERI M. PRUITT-WILLIAMS**
**Interim Director**

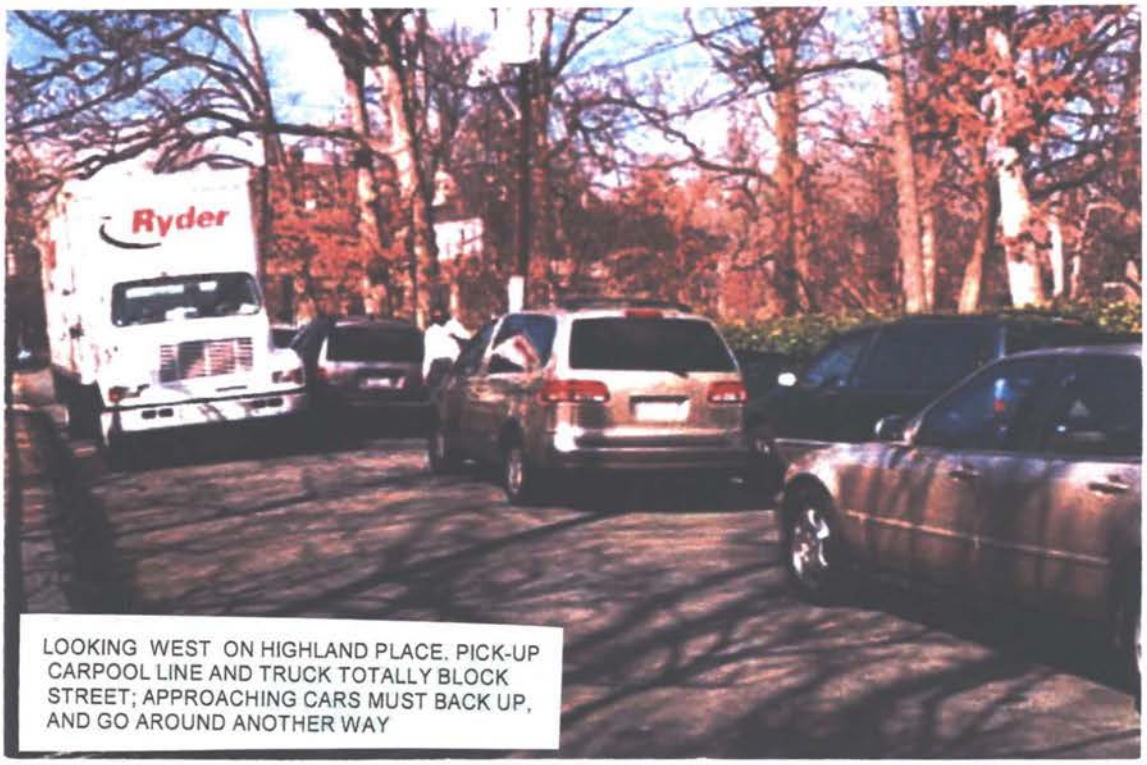
Attest/ljp

BZA

CASE No.
EXHIBIT No. 41



LOOKING EAST, BLIND CURVE ON HIGHLAND PLACE,
IN FRONT OF NCRC'S ENTRANCE
(PHOTO TAKEN ON NON-SCHOOL DAY)




LOOKING WEST ON HIGHLAND PLACE. PICK-UP
CARPOOL LINE AND TRUCK TOTALLY BLOCK
STREET; APPROACHING CARS MUST BACK UP,
AND GO AROUND ANOTHER WAY



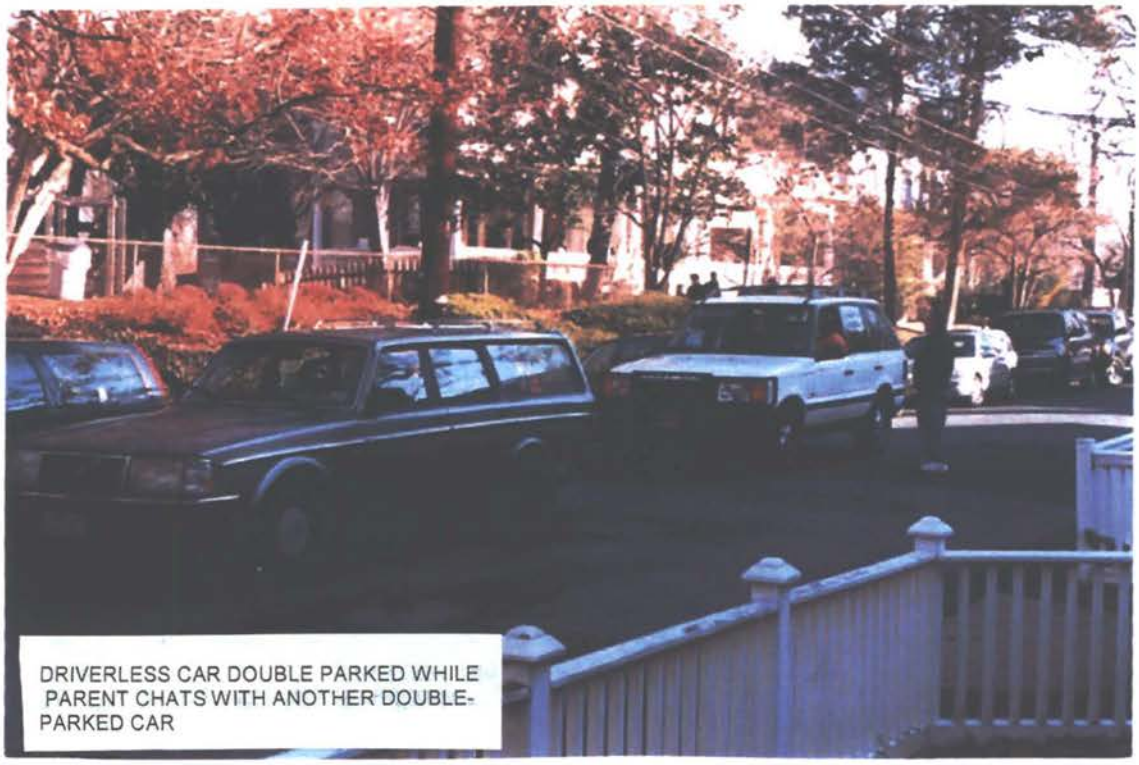

CAR ILLEGALLY PARKED IN FRONT OF STOP SIGN
ON HIGHLAND PLACE AT 33RD PLACE



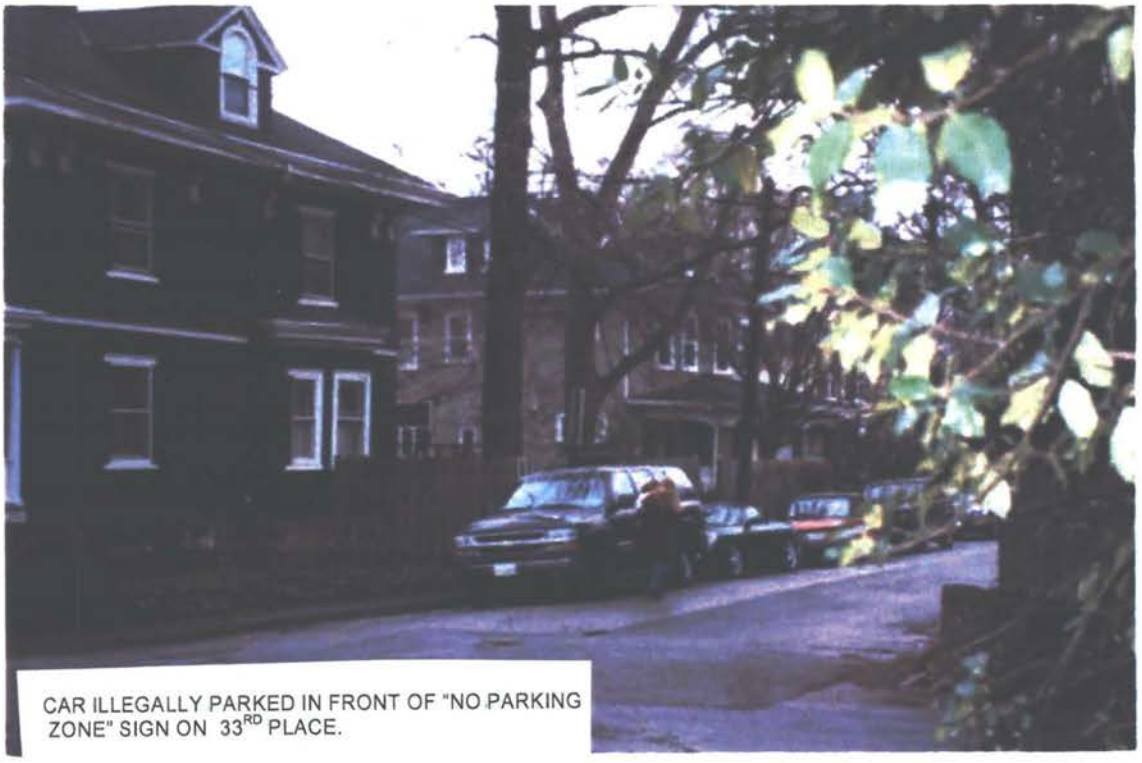
CAR PARKED ILLEGALLY ON 33RD PLACE;
DRIVER HAD TO HAVE MOVED CONE TO PARK



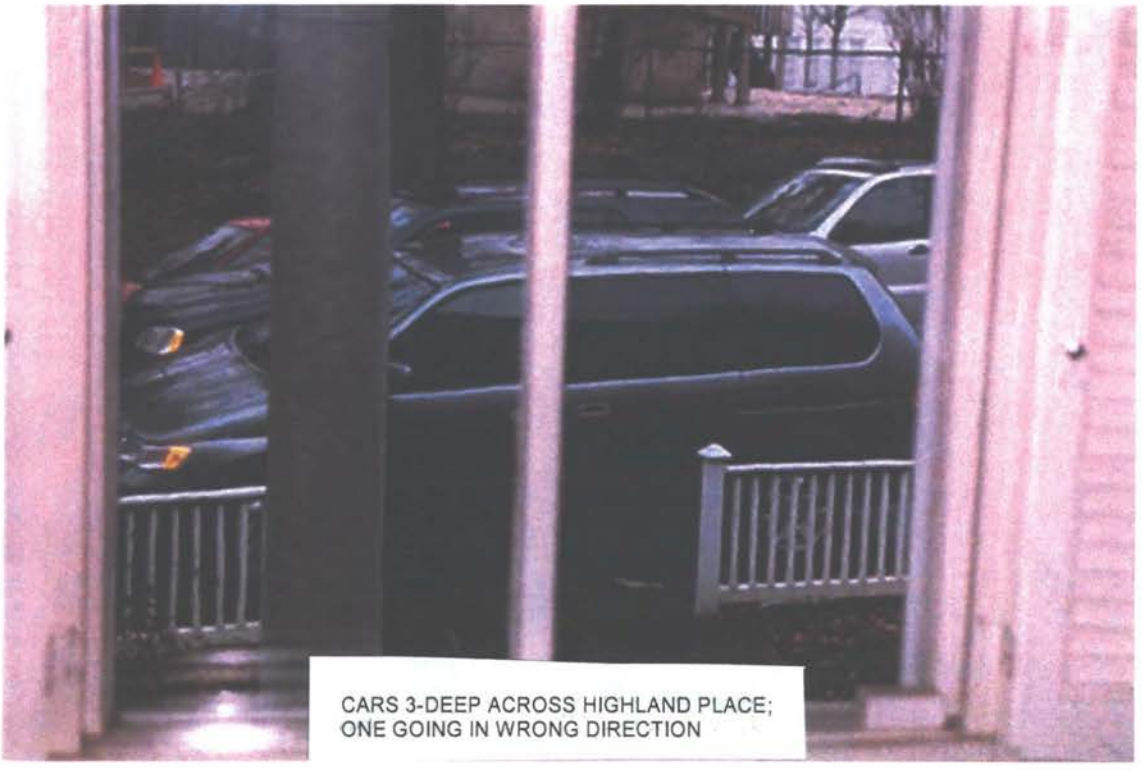
TWO ILLEGALLY PARKED CARS CLOSE IN INTERSECTION Of HIGHLAND AND 33RD PLACE



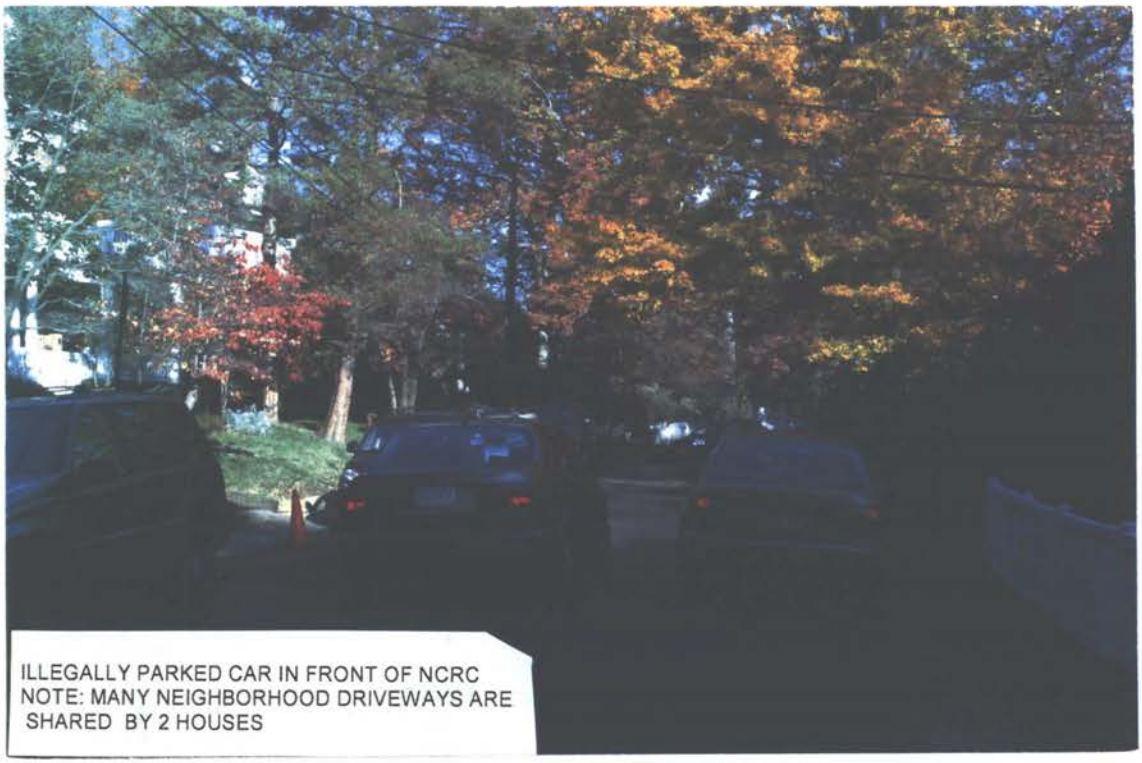
DRIVERLESS CAR DOUBLE PARKED WHILE PARENT CHATS WITH ANOTHER DOUBLE-PARKED CAR



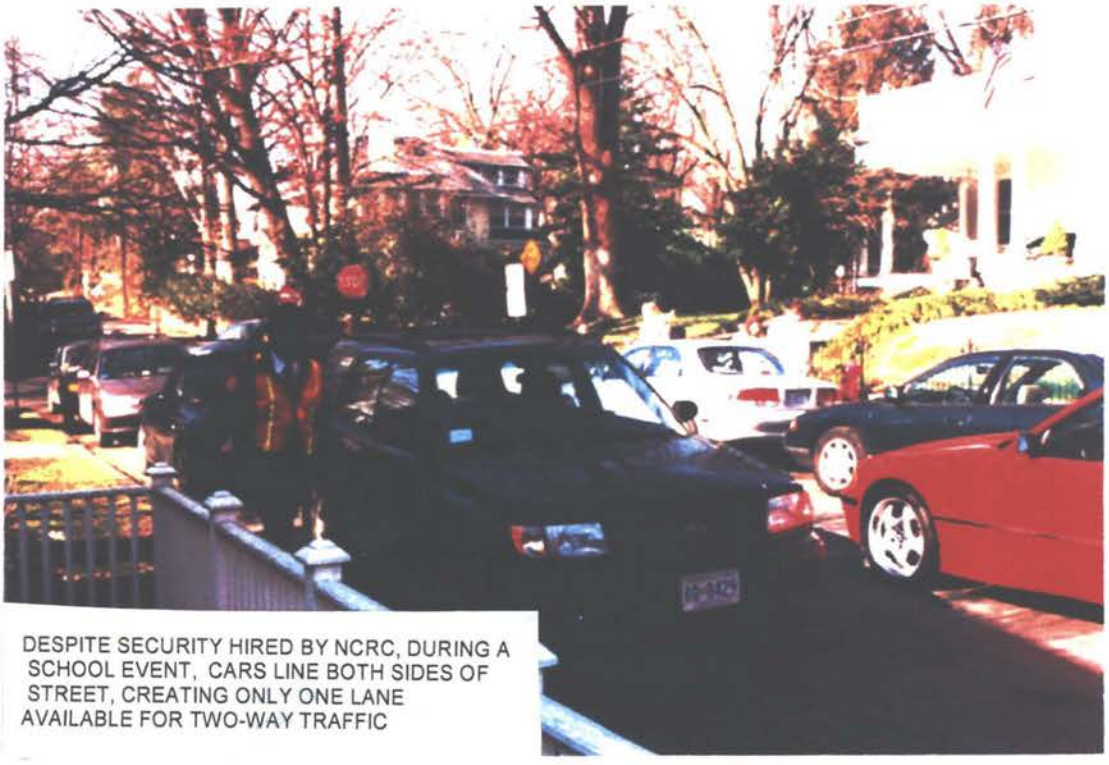
CAR ILLEGALLY PARKED IN FRONT OF "NO PARKING ZONE" SIGN ON 33RD PLACE.



CARS 3-DEEP ACROSS HIGHLAND PLACE; ONE GOING IN WRONG DIRECTION



ILLEGALLY PARKED CAR IN FRONT OF NCRC
NOTE: MANY NEIGHBORHOOD DRIVEWAYS ARE SHARED BY 2 HOUSES



DESPITE SECURITY HIRED BY NCRC, DURING A SCHOOL EVENT, CARS LINE BOTH SIDES OF STREET, CREATING ONLY ONE LANE AVAILABLE FOR TWO-WAY TRAFFIC



TWO ILLEGALLY PARKED CARS ON 33RD PLACE



LOOKING WEST, BLIND CURVE ON HIGHLAND PLACE,
IN FRONT OF NCRC'S ENTRANCE
(PHOTO TAKEN ON NON-SCHOOL DAY)

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING—Oct. 23, 1963

#7503 The National Child Research Center, appellant.

Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting and Mr. [illegible] abstaining, the following Order was entered on October 29, 1963:

ORDERED:

That the appeal to erect a school bldg. for kindergarten and pre-school children at 3209 Highland Place, N.W., lots 866 and 855, square 2072, be denied.

It is the result of an inspection of the property by the Board and from the record and the evidence adduced at the hearing, the Board finds the following

(1) Appellant's school is now in existence with an enrollment of seventy children. The existing school consists of a large, what was at one time a dwelling, on a piece of property containing approximately 45,844 square feet of land. The property is located in the R-1-B District.

(2) The existing school use is nonconforming in use having been established prior to the creation of the Board of Zoning Adjustment in 1938.

(3) Appellant proposes to erect a new school building on this property which will be functional in nature, and appellant also proposes to increase the enrollment of the school from seventy to a maximum of 80 children.

(4) Of the seventy children now enrolled in the school approximately 25 live within what the Board considers the neighborhood which is a radius of one mile. The Zoning Regulations, under the provisions of Sect. 3101.41 require that the enrollment be limited primarily to children residing in the neighborhood.

(5) There was a large petition in opposition to the granting of this application. There was also opposition registered at the public hearing by residents living on each side of the school and a number in the immediate block and neighborhood. This objection was based upon objectionable traffic conditions brought about by parents bringing children to the school and taking them home. Objectors also objected to the design of the building proposed, which is functional in nature and would not, in their opinion, be compatible with existing home [illegible] within the area and the square.

The Board is of the opinion that the erection of this new school building is not [illegible] necessary or convenient to the neighborhood which it is proposed to serve. Furthermore, the school must be, in our opinion, limited primarily to children residing in the neighborhood. From the evidence the Board finds that this condition is not met and that the appeal must be denied.

In view of this finding the Board finds it unnecessary to rule upon the provisions of Section 3101.41 of the Zoning Regulations.

BEFORE THE BOARD OF ZONING ADJUSTMENT

FOR THE DISTRICT OF COLUMBIA

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Zoning Office, D.C.

Re Application of The National )
) BZA Appeal No. 7503
Child Research Center, Inc. )

MEMORANDUM IN OPPOSITION

John H. Pratt
905 American Security Building
Washington 5, D. C.

Attorney for Certain Protestants

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MEMORANDUM IN OPPOSITION - APPEAL NO. 7503

The purpose of this memorandum is to supplement the able statement in opposition to the granting of Appeal No. 7503 submitted by John A. Earnest, Esq., at the hearing on October 23, 1963. As Mr. Earnest clearly points out, this Appeal is nothing more than an unlawful attempt to extend a nonconforming use of land and a nonconforming use of a conforming structure through the device of erecting a new structure. Both the statute (Section 5-419 of the D. C. Code (1961 ed.)) and the regulations of the Zoning Commission enacted pursuant to the statute (Zoning Regulations of May 12, 1958, Chapter 71, Sections 7104-7107, inclusive) make it clear that this cannot be done. Accordingly, this Board has no jurisdiction to consider this Appeal. The suggestion of one member of the Board that only the increase of ten pupils in the total enrollment needs to meet the criteria set forth in Section 3101.41 of the Regulations necessarily implies an unlawful extension of a nonconforming use and for the reasons set forth should not be seriously considered.

In order for the Board to consider and grant approval to this Appeal, two basic conditions must be met: (1) The Board must have jurisdiction, which it presently lacks and will continue to lack until the applicant voluntarily relinquishes its present rights as a nonconforming user, and (2) assuming, but not conceding, that this jurisdictional defect has been met, the Board must treat this Appeal as an application for an exception to build a new school ab anitio without reference to the present use. As such,

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the applicant is required to meet and the Board is compelled to apply the four standards set forth in Section 3101.41 of the Regulations. It is submitted that the evidence, both oral and written, presented at the October 23 hearing conclusively demonstrates that the applicant has not met and cannot meet at least two of these criteria.

1. The evidence is clear beyond dispute that this activity is already objectionable to adjoining and nearby property owners because of noise, traffic, number of students, and other objectionable conditions.

The past experience of over thirty years leaves no doubt on this score and the Board need not speculate on the future. The testimony of every one of the eight opposition witnesses, supplemented by the presence at the hearing of numerous property owners prepared to testify, and the petitions on file signed by more than 150 persons representing eighty pieces of property on both sides of Highland Place, Ordway Street, Newark Street, Ashley Terrace and 33rd Place complain in unmistakable language concerning the noise and the traffic nuisance which has featured the operation of the National Child Research Center, Inc. These people have lived with this problem; their testimony does not involve prophesy, estimate, or guess. It is difficult to consider this massive testimony and the fact that not a single nearby landowner appeared in support, except as indicative of the fact that the Center has not made friends in the area for the reasons pointed out. The Board cannot disregard this testimony. It is significant that Mr. Glasgow in his supplemental statement of October 28 makes no attempt to meet this testimony.

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2. The evidence is clear beyond contradiction that the use is not reasonably necessary to the neighborhood nor is the enrollment limited primarily to children residing in the neighborhood.

The list of pupils with their addresses speaks for itself. It was for this reason that Mr. Glasgow was not content with the "ten-block radius" rule and attempted to suggest that the confines of the Cleveland Park and Connecticut Avenue Citizens Associations should be the guide. Even with such a relaxed interpretation it is still submitted that the enrollment as shown by the list of pupil addresses has not been, is not now, nor in the future will be limited primarily to children residing in this neighborhood. Not a single parent residing in the neighborhood and with a child enrolled at the Center testified in favor of the Appeal.

To conclude, this Appeal, assuming that the Board has jurisdiction to consider it at all, can only be considered as an original application to erect a new building for pre-school and kindergarten purposes in a neighborhood where it has never before existed. As such, the applicant has failed to meet the tests set forth in the Regulations. It is not entitled to the extraordinary relief which it seeks. On the contrary, it should consider itself fortunate and be prepared to make the necessary expenditures to meet the building code requirements. The sum of $22,500 submitted by Mr. Glasgow is undoubtedly an "outside figure" as the Board probably knows. It should not be a hardship for the

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Center to meet this expense, particularly as it is prepared to embark on a construction project estimated to cost $175,000.

John H. Pratt

Certificate

This is to certify that a copy of the foregoing memorandum was hand delivered to Norman M. Glasgow, Esq., Tower Building, Washington 5, D. C., on Monday, October 28, 1963.

John H. Pratt

WE, THE UNDERSIG[illegible] OBJECT TO THE GRANTING OF ZONI[illegible]

APPEAL #7508

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OCT 23 1963

Zoning Office, D.C.

| Name | Address | Number of children |
|---|---|---|
| Charles Hurley | 3075 Ordway St. N.W. | 0 |
| Helen Shea (Mrs J.K.) | 3067 Ordway NW | 3 |
| Vera Solure | 3045 Ordway St. N.W. | |
| Lorraine Luirino | 3033 Ordway St. N.W. | |
| Minnie Medwick | 3019 Ordway St. N.W. | |
| Samuel Medwick | 3019 Ordway St. NW | |
| Jay B. Medwick | 3019 Ordway St. N.W. | |
| Portia James | 3015 ORDWAY ST., N.W. | 1 |
| Mr. + Mrs R. B. Dolliver | 3013 Ordway St., (N.W.) | 2 |
| Mrs. Lee Jadwin | 3011 Ordway St NW | 2 |
| Z.Q. Jadwin | 3011 ordway St N W | |
| F. Bowie | 3009 ordway St N W | |
| Tomas Bowie | 3009 ordway St NW | |
| Angella Zarcerotis | 3005 Ordway St. N.W. | |
| Catherine Zarcerotis | 3005 Ordway | |
| Edward N. Pruden | 3029 Ordway St. N.W. | 1 |
| Louis E. Hess | 3041 ORDway St. N.W. D.C. | 0 |
| Mrs. M. B. Garber | 3049 Ordway St. N.W. D.C. | |
| Genevieve W. Garber | " " " " " " | |
| Kent M Laughlin | 3053 ordway ST. N.W. D.C. | |
| Mr and Mrs Jerome Kreis | (Mrs Jillian Kreis) 3071 Ordway St NW | |
| John Curry | 3079 Ordway St NW Wash DC 20008 | |
| Joseph Luca | 3067 " | |
| Lawrence W. Cramb | 3063 " St, N.W. - D.C - 20008 | |
| Grant U. Grant | " " | |
| Philip Tolen | 3045 Ordway St. N.W. | |
| Mrs Eva J. Myers | 3007 Ordway St. N.W. | |

WE, THE UNDI GNED, O JECT TO THE GRANTING OF

ZONING APPEAL # 7503

| Name | Address | Number of childre |
|---|---|---|
| Mrs. William Prokuice | 3025 Ordway St. N.W. | 5 |
| Dunlork C. Thompson | 3021 Ordway St. | |
| Vivian Thompson | 3021 Ordway St NW | 2 |
| Lenora Aldeen | 3047 Ordway St NW | — |

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OCT 23 1963

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WE THE UNDERSIGNED OBJECT TO THE GRANTING OF ZONING APPEAL 7503.

| Name | Address | RECEIVED | Number Of Children |
|---|---|---|---|
| [illegible] | 3211 Newark St. | OCT 23 1963 Zoning Office, D.C. | 1 |
| Nancy Hurst D. Jansen-Scribner | 3145 Newark St. | | 3 |
| Frank H. Jansen-Scribner (USF-S) | 3145 Newark St. | | 3 |
| Patricia M Carter | 3127 Newark St | | 5 |
| Woodbury Carter | 3127 Newark St | | |
| Marian Van Soest | 3125 Newark | | 2 |
| Peter J. VanSoest | 3125 Newark | | |
| Mr. and Mrs. W. F. Walter | 3027 Newark St. | | |
| Ben N Bagdikian | 3210 Newark St | | 2 |
| Elizabeth S. Bagdikian | 3210 Newark | | |

WE THE UNDERSIGNED OBJECT TO THE GRANTING OF ZONING APPEAL NO. 7503.

| NAME | ADDRESS |
| --- | --- |
| Mr. and Mrs. Reuben Clark Jr. | 3212 Newark St. NW |
| Mr + Mrs. H. Field Haviland | 3208 Newark St. N.W. |
| Mrs. Michael Michaeli (on basis of heavy down traffic pattern) | 3046 Newark St. N.W. |
| Mrs. John B Blake | 3038 Newark St NW |
| Mr. and Mrs. Stephen B. Twombly Jr. | 3025 Newark St. NW |
| Mr. + Mrs. F C Brown | 3030 Newark St NW |
| Miss Margaret R Wallace | 3021 Newark St N.W. |
| Mr. and Mrs Charles Baird | 3035 Newark St. N.W. |
| Mr. + Mrs. James W. Felder | 3324 Newark St. Na |

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We, the undersigned owners of homes in the 3300 block of Highland Place, OPPOSE the request for an exception for Zoning, Number 7503 before the Board of Zoning Adjustment.

No. of Children

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Mrs Mrs Joseph L. Miller 2
3301 Highland Place, N.W.

Mr & Mrs. Robert L. Steele
3312 Highland Place

Jack Moskowitz 4
3306 Highland Pl. N.W.
Helen Moskowitz

Colonel and Mrs. F. J. Yeager 2
3311 Highland Place N.W.

Mr. and Mrs. Wilbur C. Fee 2
3307 Highland Place, NW

Mr. and Mrs. Owen W. Roberts 3
3320 Highland Place NW

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OCT 23 1963

Zoning Office

not children We, the undersigned are opposed to Appeal No. 7503 to the Board of Zoning Adjustment:

5 Jeremy Blanchet 3204 Highland Pl., NW
Nancy H Blanchet

3 Robert S. Marshall 3208 Highland Place, N.W.
Marjorie Lee Marshall

3 Ned Gates 3200 HIGHLAND PLACE, N.W.
Mary O. Gates 3200 Highland Pl. NW

4 J. D. Cornell 3155 Highland Pl., N.W.

3 John A. Earnest
Ellen E. Earnest
3250 Highland Place, N.W.

0 Joseph V. Ragland
3230 Highland Pl. N.W.

3 Margaret Brannick
Robert J. Mannix
3225 Highland Pl. N.W.

4 George Bunn
3150 Highland Pl. N.W.
Julia H. Bunn
3150 Highland Place, N.W.

3 James H. Rowe Jr.
3207 Highland Place N.W.

0 Mrs Fred. S. Lichtner
3220 Highland Pl. N.W.

We, the undersigned are opposed to Appl. 7503 to Board of Zoning Adjustment:

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Mary Jane Fisher
3148 Highland Pl. N.W.
Washington, D.C.

Astrid W. Kraus
Wolfgang H. Kraus
3101 Highland Pl. N. W., Wash., D.C.

Arthur E. Rouse
3224 Highland pl NW

John L. Steele
3100 Newark St., NW.

Virginia D Parker
3100 Highland Pl. N.W.

Wm. Parker
3100 Highland Pl. N.W.

Lydia P.S. Kalzenbach
3141 Highland Place N.W. Wash D.C.

WE THE UNDERSIGNED OBJECT TO THE GRANT OF APPEAL 7503

RECEIVED

OCT 23 1963

Zoning Office, D.C.

| Name | Address | Children |
|---|---|---|
| Judith Crumpton | 3411 33rd St. | 2 |
| #1 Elizabeth Ellis | 3249 Newark St. N.W. | 4 |
| W. H. Ellis, Jr. | " " " | 4 |
| Faya B. Cox | 3300 Newark St NW | 4 |
| Arthur Mary Cox | " " " " | 4 |
| Walter Greenleaf | 3312 Newark St. NW. | (3) |
| Jean Parrish Jones | 3315 Newark St. NW | |
| Faye Markowitz | 3306 Highland Place N.W. | 4 |
| Agnes R. Sailer | 3311 Newark St. N.W. | 7 |
| Beverly Rowen | 3307 Newark St N.W | 5 |
| B. L. Baumerman | 3301 Newark St. N.W. | — |
| Harry S. Rowen | 3307 Newark ST N.W. | 5 |
| Charles S. Jones Jr. | 3315 Newark ST N.W | 3 |

We the undersigned object to the granting of appeal 7503:

| Name: | Address: | No. of children: |
|---|---|---|
| Victoria Gordin | 3120 Ordway St. | 2 |
| Matthew Gordon | 3120 Ordway St. | |
| Leonard Pisi | 3130 Ordway St | |
| Ann Gaylord | 3134 Ordway | |
| Howard R. Gaylord | 3134 Ordway | |
| Harvey Gaylord | " | |
| Mark Gaylord | 3134 " | 0 |
| Bernard Yudain | 3126 Ordway | 1 |
| Ruth S. Yudain | " " | " |
| Caroline Ludy | 3010 Ordway | |
| [illegible] | " " | 6 |
| Judith P. Vanover | 3122 Ordway | 2 |
| Xander Vanover | 3122 Ordway | 2 |

RECEIVED
OCT 23 1963
Zoning Office, D.C.

We, the undersigned, are opposed to Appeal No. 7503 before the Board of Zoning Adjustment by the National Child Research Center for an exception to rebuild.

| NAME | ADDRESS | NO. of CHILDREN |
|---|---|---|
| Mr. & Mrs. David Linebaugh | 3405 Ashley Terrace | 1 |
| Mr. & Mrs. Charles Francis Wilmington | 3411 Ashley Terrace | 2 |
| Mr. & Mrs. Fred L. Habig | 3432 Ashley Terrace | 3 |
| Mrs. J. Kibler Goodale | 3434 Ashley Terrace. | |
| Mr & Mrs Peter Grogan | 3428 Ashley Terrace | 7 |
| Mrs. John G. Carter | 3428 Ashley Terrace | |
| Miss Florence Torbert | 3415 Ashley Terrace. | |
| Kelsey Martin Mott | 3409 Ashley Terrace N.W. | |
| Mr. & Mrs. Max Kampelman | 3154 Highland Pl. N.W. | |

RECEIVED

OCT 23 1963

Zoning Office, D.C.

[United States Department of the Interior, Office of Education, Washington. Reprint from SCHOOL LIFE, December, 1929, and January, 1930]

# Housing and Equipping the Washington Child Research Center

## Part I. Selecting a Site and Reconstructing the House

*Child Research Center started by 8 cooperating Agencies in Washington, D. C. Problems of Locating and Housing Included Exposure, Drainage, Playyard Space, Rearrangement of Rooms, and Cost of Reconstruction. Experience in Meeting These Problems will be Suggestive to Others Organizing Nursery School Research Laboratories and Behavior Clinics*

By MARY DABNEY DAVIS

*Specialist in Nursery–Kindergarten–Primary Education, Office of Education*

and

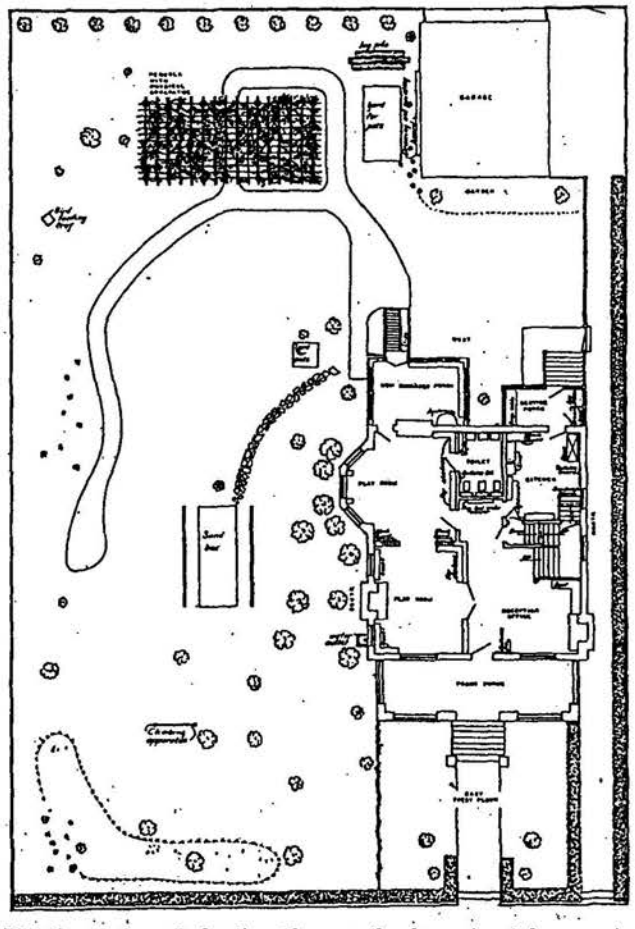
CHRISTINE M. HEINIG

*Nursery School Director, Washington Child Research Center*

A UNIQUE coordination of interests in child study and parent education was effected with the organization of the Washington Child Research Center. Representatives of 8 organizations which have been working independently in the field of child development and parent education decided to pool their interests and efforts and create a laboratory for child study. These organizations include the Federal Office of Education, the Bureau of Home Economics, the U. S. Public Health Service, George Washington University, the University of Maryland, and 3 organizations—the American Association of University Women, American Home Economics Association, and the Committee on Child Development of the National Research Council. Representatives from each of these organizations form the present executive board of the Washington Child Research Center. The program determined for the center required a nursery school of normally developed 3-year-old children as a laboratory for research, and facilities for conducting a behavior clinic.

One of the first problems faced by the executive board was to find a suitable building for the center and to equip it. This responsibility was given to a housing committee.[1] The adventure involved in securing and equipping the house was so illuminating that the committee was asked to prepare a report of its work.

As a result, the several tasks involved in the selection and reconstruction of a building, and the purchasing and construction of equipment necessary to meet the needs of a research center and its laboratory, are described in this report. An attempt has also been made to indicate the educational principles which guided the work.



This diagram shows the location of house on the plot, zoning of play apparatus in yard, and arrangement of first-floor rooms. Housekeeper's quarters and children's coat rooms are in basement. Offices, library, and children's sleeping rooms are on the second and third floors

### *Selecting the House*

Many plans for housing the center were considered: To lease land and build a one-story house on the plan of a Chinese compound, to secure rooms in a public-school building, and to adapt garages or a residence to meet the center's needs. During the search for available property, many questions arose which developed the following criteria:

#### *The Site*

*Location of property:* (1) In or near a residential district in which there are young children; (2) situated as centrally as possible for all the coordinating organizations, and fairly near the center of the city; (3) easily accessible by street car or bus; (4) if possible, near an orphan asylum, children's hospital, or other child-caring organization through which control groups of children might be obtained.

*Size and situation of grounds:* (1) Adequate playyard space; (2) grounds well drained, exposed to morning sunlight, and free from encroaching buildings that would interfere with free circulation of air; (3) yard, regular in shape and securely fenced; (4) removed from excessive noise, dirt, and confusion of traffic.

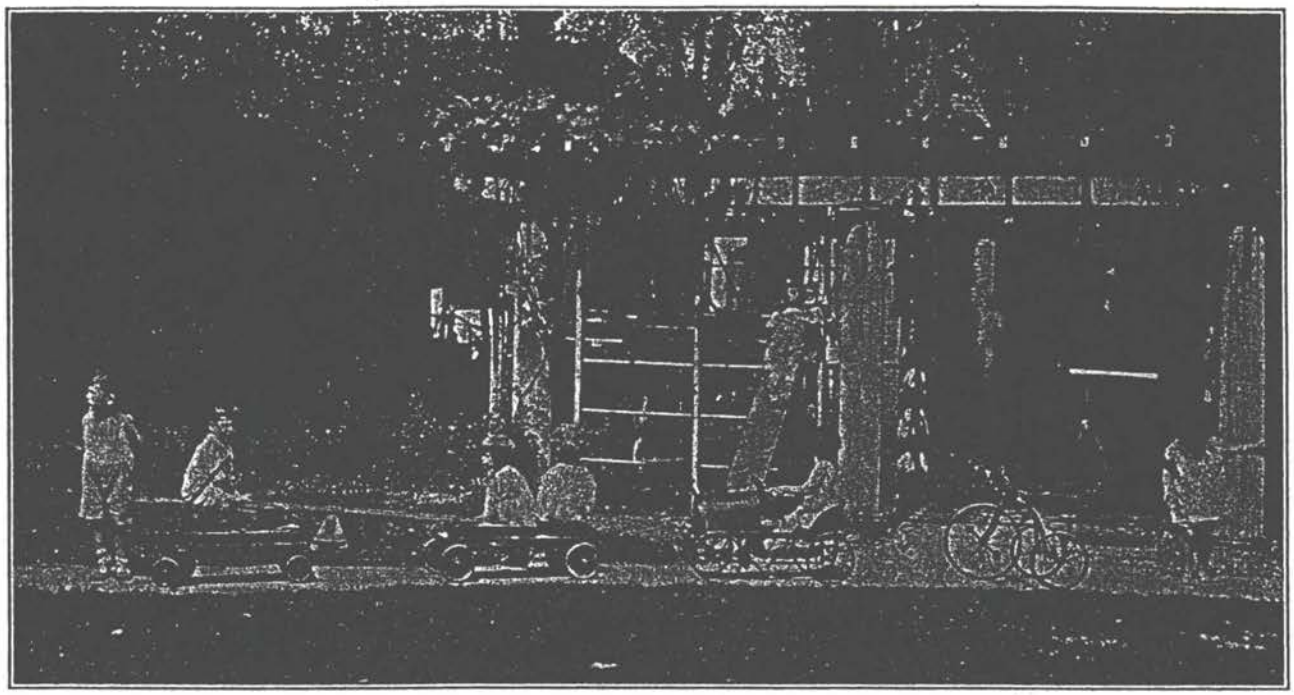
*City regulations;* (1) Proper consideration of zoning laws for establishing schools in residential districts.

*Exposure:* (1) Southern and eastern exposures to assure adequate sunshine; (2) playroom exposure protected from adjacent buildings by playyard.

*Structure:* (1) Strong and well-built; (2) tight floors, windows, and door frames; (3) outside playroom doors protected with vestibules; (4) low window sills to admit a maximum amount of direct sunshine, and to allow children to see out

[1] Housing committee: Anna E. Richardson, field worker in child development and parent education, American Home Economics Association; Grover E. Kempf, surgeon, U. S. Public Health Service; Mary Dabney Davis, specialist in nursery-kindergarten-primary education, U. S. Office of Education.

94632—30



Pergola at rear of yard supports both climbing and swinging apparatus. The cement walk not only provides a proper surface for the use of wheel toys, but is so laid that it satisfies the children's desire for adventure

easily; (5) stairs broken by landings; (6) simple architecture.

*Number and arrangement of rooms:* (1) For the nursery school—playrooms, toilet, sleeping, and examination rooms, kitchen, and adequate closets or spaces for constructing them, all located on first two floors of the building; (2) offices—for the director, for clerical, research, and teaching staff; (3) living quarters for a resident housekeeper; (4) halls and rooms adapted to route children on arrival for physical examination, necessary changes of clothing, toilet needs, and entrance to playrooms and playyard; (5) rooms arranged compactly to insure economy of effort for supervision of children's activities, and to make adjustments for group meetings; (6) toilet facilities easily accessible from play and sleeping rooms and playyard; (7) director's office and waiting room easily accessible to main entrance.

*Service systems:* (1) Heating plant—test adequacy of heating plant and if necessary determine the amount of additional radiation the furnace might carry (hot water systems of heating are preferred to hot air or steam); (2) gas service—discover regulations governing size of meter required for service rendered, and for type of institution registering for the service; (3) electric service—insure adequate lighting for halls, rooms, stairways, porches, and closets (overhead lighting systems throw fewer shadows and give better general illumination than side lights); outlets are needed for service in the kitchen, laundry, and rooms requiring supplementary heat; (4) plumbing—examine sewerage outlets to determine their capacity for carrying additional toilets; consider adaptability of house construction to installation of new plumbing connections; determine adequacy of present water supply.

*Business arrangements:* (1) Assure adequate lease with option of renewal; (2) secure permission for reconstruction of building, and determine responsibility for returning it to original condition at termination of lease; (3) hold owner responsible for dry cellar, tight roof, weatherproof outside construction of the house, and adequate water, heating, and lighting systems.

The greatest difficulties encountered in finding a house for the Washington center were adequate yard space, southern and eastern exposure, and satisfactory lease for the property. Finally a detached, 12-room brick house was found which met the major requirements. The distribution of rooms adapted for the center's programs can be seen in the diagram:

### *Reconstructing the House*

Major items of reconstruction in the house selected included converting the butler's pantry into a toilet room, inserting two windows in the south wall of the front playroom, cutting a door from the hall directly to the basement stairway, adding a sun porch with a deck roof at the back of the house, and rearranging the basement to provide a suite of rooms for the housekeeper, in order to isolate the furnace room in which an oil burner was installed, and to provide ample space for the children's coats and hats and a toilet room for them near the basement entrance.

Plans for these adjustments and for the interior decorating were based on certain definite ideas of the kind of surroundings which should be prepared for children, parents, and staff using the research center. These ideas and illustrations of the way in which they were demonstrated are summarized in the following statements:

*Space, actual and effected:* A house in which 25 three-year-old children, a teaching staff, as well as students and visitors are moving about, must have space enough and proper adjustment of equipment to avoid congestion and confusion. Rooms in the house selected for the research center are not large, about 14 by 15 feet on the average. Every effort was made to conserve all available space and to effect space by the manner in which changes in structure were made and in which equipment was installed and by the scheme for decoration. For example: (1) All unnecessary decorative features which either actually occupied space or seemed to do so, were removed. These included paneling on the walls, ornamentation on woodwork, overhanging cupboards, and a superfluous fireplace. (2) French doors were installed where doors were needed. (3) New windows were made as wide as possible, though the height corresponds with others. (4) Cupboards, simple in design, were installed close to the walls. (5) A uniform color for walls was used throughout the house, and in each room the walls and equipment, or the woodwork and equipment, were kept the same color.

*Light, actual and simulated:* Light, adequately capitalized, creates a desirable atmosphere of life and vitality. This requires adding, reflecting, simulating and

softening sunshine. More direct light was provided by adding the sun porch, by replacing stained-glass window panels with clear glass, and by cutting 2 windows in the south wall of the playroom. Sunlight was reflected or simulated (1) by using a cream-colored wall paper or wall paint in all rooms; (2) by painting the trim in the basement coat room a Chinese red; (3) by painting interiors of all closets and cupboards cream color; (4) by using light colored window shades; and (5) in the north windows using transparent, luminous window hangings. Brilliant sunshine in the playrooms was softened by



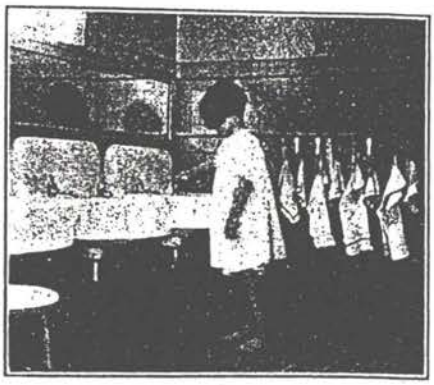
Sleeping equipment in use

painting the trim a soft luminous green-blue color.

*A setting for effective work:* A physical set-up that insures economy of effort aids efficient work. A home-like atmosphere is also an aid, particularly in a situation in which natural reactions of young children and their parents are essential to the work under way. Economy of effort was cared for (1) by providing easy access of the nursery-school playrooms to the kitchen, coat room, playground, sleeping and toilet rooms, and easy access of the director's office to the clerical, study, and examination rooms; (2) by convenient arrangements of cupboards for food and dish storage, of tables and shelves for work bases, of refrigerator and cleaning equipment cupboard on the service porch; (3) by an outdoor storage space to protect the children's playyard toys and apparatus; (4) by fencing the playyard so as to combine all play space within one unit; (5) by installation of electric outlets and fixtures in strategic places; (6) by using linoleum floor coverings to deaden sound, and to facilitate cleaning of the playrooms, kitchen, and children's toilet; (7) by using gloss finish paint in the children's rooms to assure ease in cleaning; (8) by installation of an automatic furnace heater to provide even temperature with a minimum amount of attention; (9) by installation of bulletin boards to care for notices to staff and parents, for menus and receipts, and for records of the children's activities. Both homelikeness and economy of space were considered by building visitor's benches over exposed radiators in the playrooms, by the informal combination of a waiting room and clerk's office in the entrance hall, and by the arrangement of furniture in the library and staff offices.

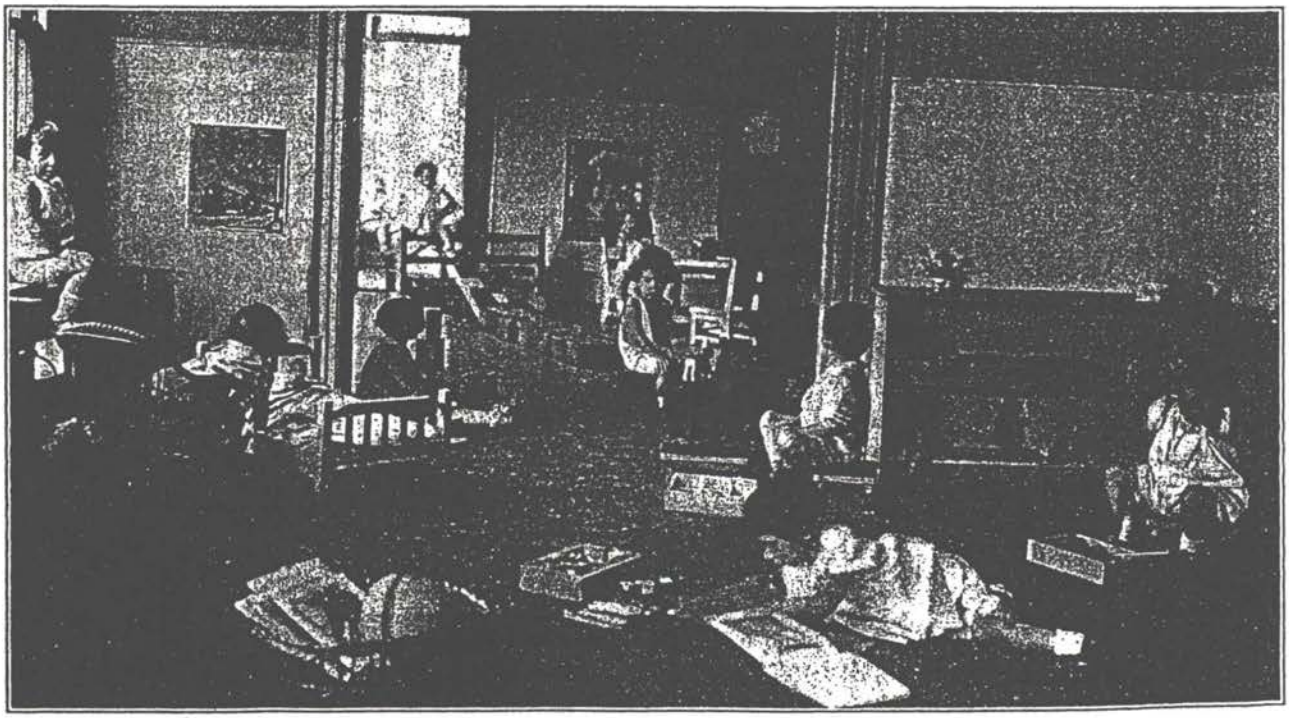
An architect was engaged to draw plans of the house and to write specifications for the work to be done. This was necessary to obtain proper building permits and to guide contractors in making their estimates. It also helped the committee to visualize proposed structural changes.

Estimates were submitted by contractors for the construction work, for decorating, for plumbing, and for electrical work. These estimates indicated details of the work to be done and the great need for forethought to avoid making changes in specifications after bids were accepted. Eliminations and substitutions were made in the work anticipated when all proposed work proved financially impossible. For example, the cost of reconstructing the upstairs bathroom and installing six junior-size fixtures was about equal to the cost of constructing a sun porch. Money was available for just one of these items, and the porch was chosen. This decision later proved to be of educational benefit. Steps and benches were designed to help the children adjust to adult-sized toilet fixtures.



Pantry converted into first-floor toilet room. Bathroom equipped with junior size fixtures; height of basin, 21 inches; of toilet, 10 inches

Work was started the first week in January, 1928, and the nursery school was opened February 22. The total cost for reconstruction work was $4,033.56.



Large playroom made possible by opening sliding doors. Note the carpenter-built doll's bed, hollow-box building blocks, section of fencing with balance board and wooden supply boxes, some of which are partitioned. Also note window seat over the radiator, celotex display space on the wall, linoleum floor covering non-tipping stool, and the open supply shelving

Form ED-P-401 CERTIFICATE OF OCCUPANCY No. B101503

Washington, D.C. 3/11/81, 19

Permission is hereby granted to National Child Research Center

to use the All floor(s) of the building located on Lot 855&866 Square 2072

known as premises 3209 Highland Place N.W. for the following

purpose(s): Nursey School & Kindergarten & Elementary School

190 students)

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF ECONOMIC DEVELOPMENT, GOV'T. OF DIST. OF COL.

ZONE R1B

FEE $ 20.00

Chief, Permit Branch

By V. Francene Wyatt Denard

Permit Clerk

DIST

'97 NOV 12 P3:49

#5
16307

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

January 9, 1997

Maryann Pavetto
2412 Spencer Road
Silver Spring, Maryland 20910

Re: 3209 Highland Place, N.W.
Square: 2072 Lot(s): 855 & 866
(Basement through Third Floor)
Zoned: R-1-B

Dear Ms. Pavetto:

Your certificate of occupancy application #513293 filed on behalf of the National Child Research Center to use the subject premises as "Preschool (Child Development Center) 120 students, ages 2 1/2 to 5 years, 28 staff" is disapproved due to the need for Board of Zoning Adjustment approval.

Occupancy records indicate that Certificate of Occupancy B101503 was issued 3/11/81 authorizing a, "Nursery School & Kindergarten & Elementary School" on all floors of the subject premises. As your proposal constitutes a change in use, you will be required to obtain a special exception under the provisions of DCMR Title 11, Section 205.1 to establish the use in the R-1-B Zone.

In addition, you will be required to provide off-street parking as follows:

"1 [space] for each 4 teachers and other employees"

Proof of the parking must be shown on a D.C. Surveyor's Building Plat which may be obtained in Room 605, 614 H Street, N.W. Each parking space must be 9' x 19', covered with four (4) inches of an all weather impervious material, be accessible by a 14' aisle, and be located on the same lot as the primary use. If you are unable to meet the off-street parking requirements, a variance from the provisions of Section 2101.1 may be obtained through a public hearing before the Board of Zoning Adjustment.

The Board of Zoning Adjustment has authority to grant special exception under provisions of DCMR Title 11, Section 3108.1. The Board has authority to grant variances under

FILE MEMO

NOVEMBER 21, 1997

Veronica Singh and Howard Maupin remeasured NCRC classrooms in the Spring of 1997 with Kay Stafford and Maryann Pavetto. The result of this process was an agreed upon number of students allowed per classroom at NCRC. As per this meeting the following number of children can be placed in the listed room:

| CLASSROOM | NO. OF STUDENTS ALLOWED BY LICENSING |
|---|---|
| Bunny Room - 1st floor rear | 9 |
| Beehive Room - ground floor | 16 |
| Sunshine Room - 1st floor front | 18 |
| Rainbow Room - 2nd floor rear | 19 |
| Explorer Room - 2nd floor front | 23 |
| Treetop Room - 3rd floor | 23 |
| **TOTAL** | **108** |

6-5-97

COMPUTATION

National Child Research Center
209 Highland Places, N.W.

1st. Floor - Bunny Room

$15 \times 22 = 330 \div 35$

$= 9$

1st. Floor Sunshine Room

$10.75 \times 3 = 35 \div 2 = 17$

$5.75 \times 7.5 = 43$

$13.6 \times 10 = 136$

$14.5 \times 27 = 391$

$12 \times 4.6 = 55$

$642 \div 35$

$= 18$

Basement - Beehive Room

$15 \times 25 = 375$

$14 \times 12.5 = 175$

$3 \times 10 = 30$

$580$

$- 10$

$570 \div 35$

$= 16$

N.C.R.C

6-5-97

COMPUTATION

2nd. Floor - Rainbow

$18 \times 15 = 270$

$10 \times 6 = 60$

$14.5 \times 22 = 319$

$10 \times 3 = 30$

$679 \div 35$

$= 19$

2nd Floor - Explorer

$9 \times 13 = 117$

$10 \times 26.5 = 265$

$14.6 \times 29.75 = 434$

$816 \div 35$

$= 23$

3rd. Floor - Tree Top

$32.75 \times 11.75 = 384.8$

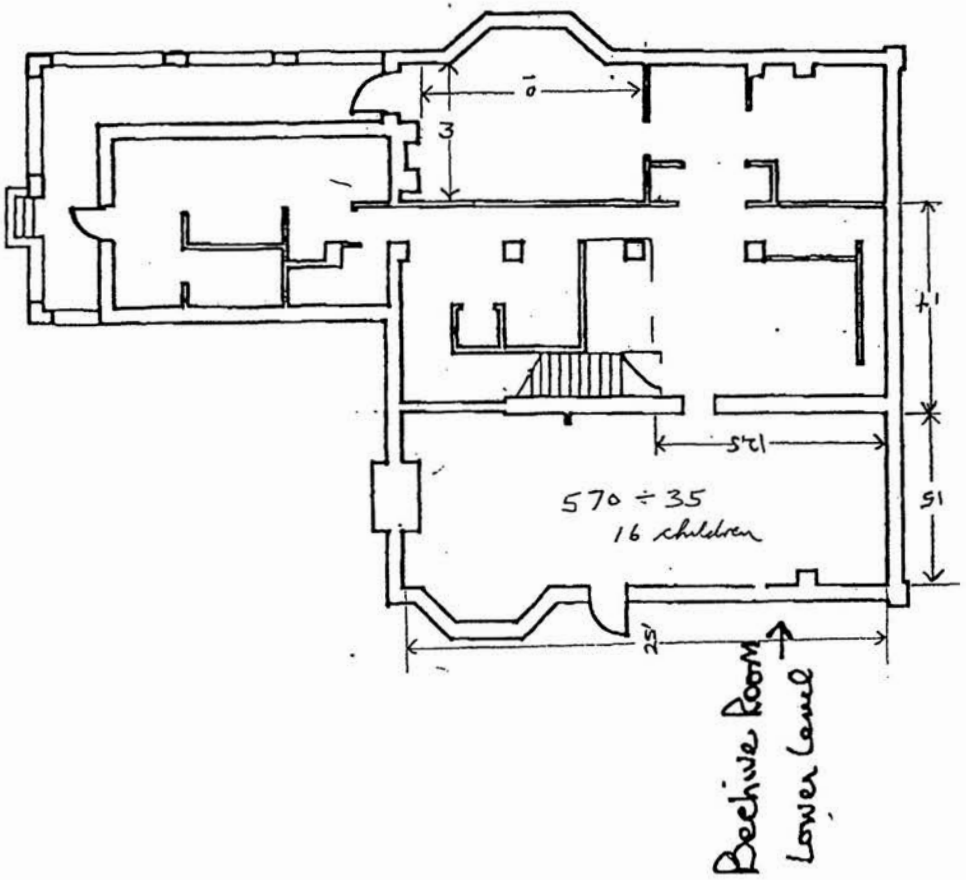
$14.6 \times 12 = 175.2$

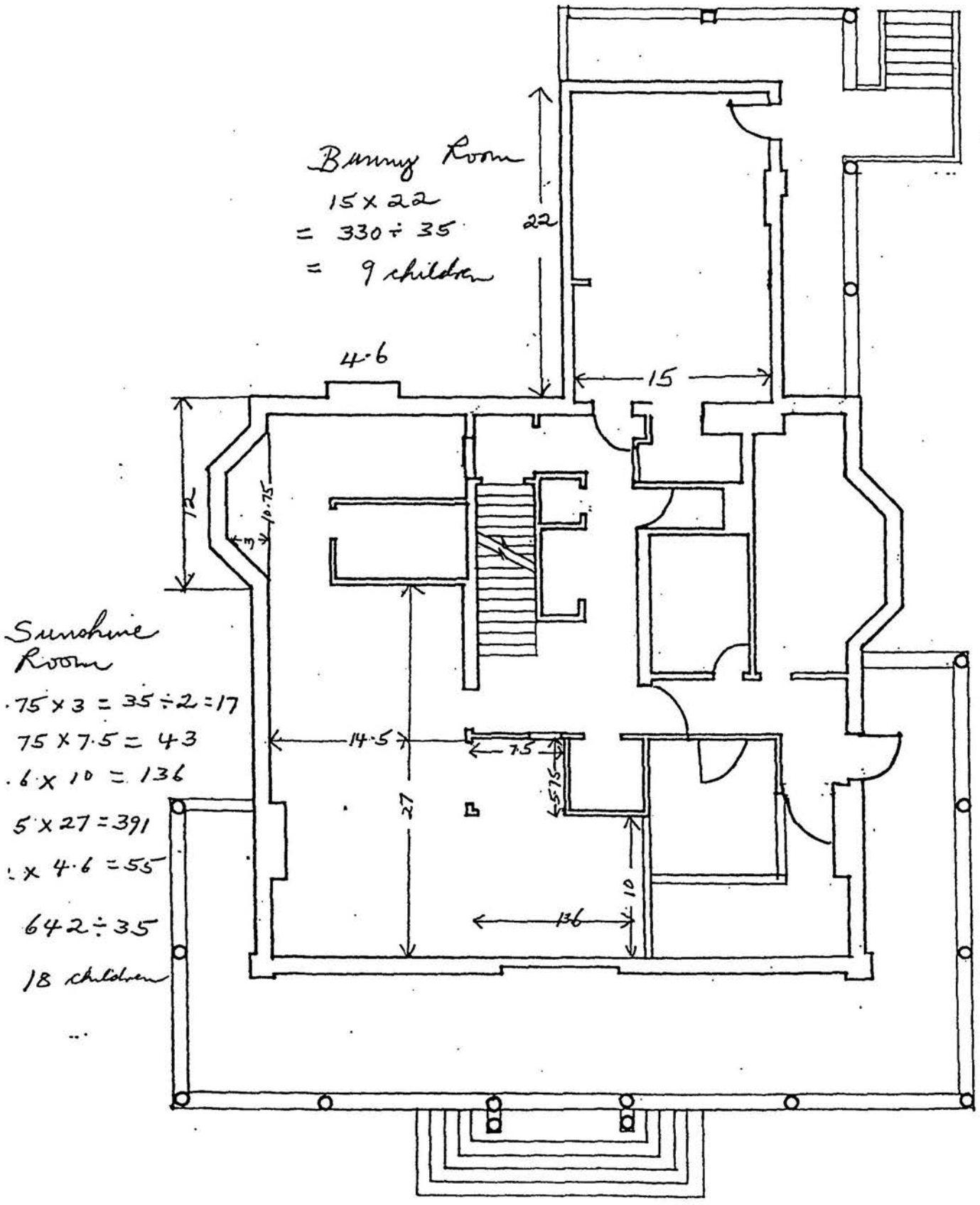
$20.6 \times 12 = 247.2$

$807.2 \div 35$

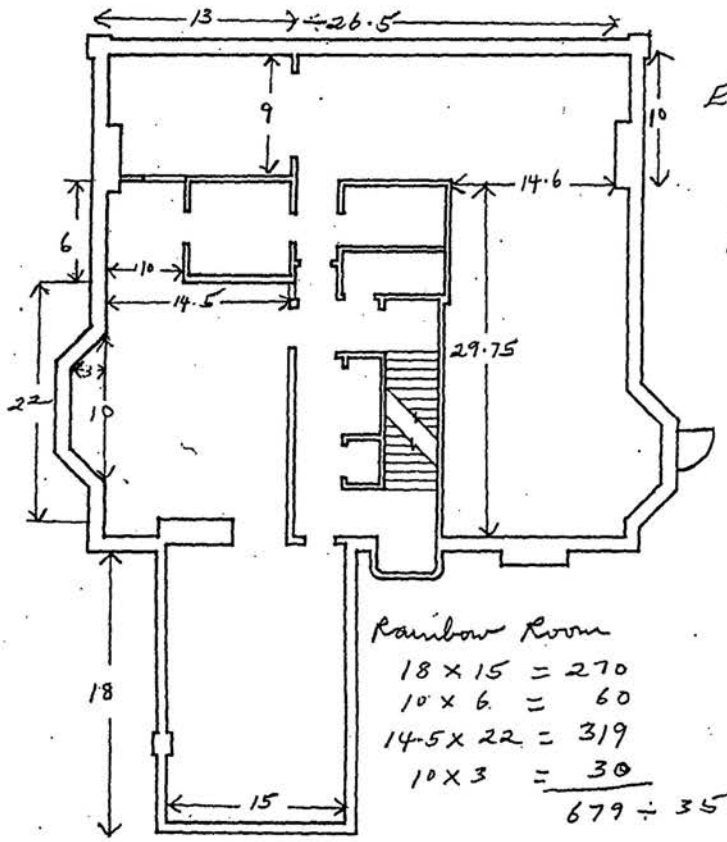
$= 23$

Total 108 children


10
3
41
5'2"
51
570 ÷ 35
16 children
25'
Beehive Room
Lower Level




FIRST FLOOR PLAN




Explorer Room

$9 \times 13 = 117$

$10 \times 26.5 = 265$

$14.6 \times 29.75 = 434$

$816 \div 35$

= 23 children

Rainbow Room

$18 \times 15 = 270$

$10 \times 6 = 60$

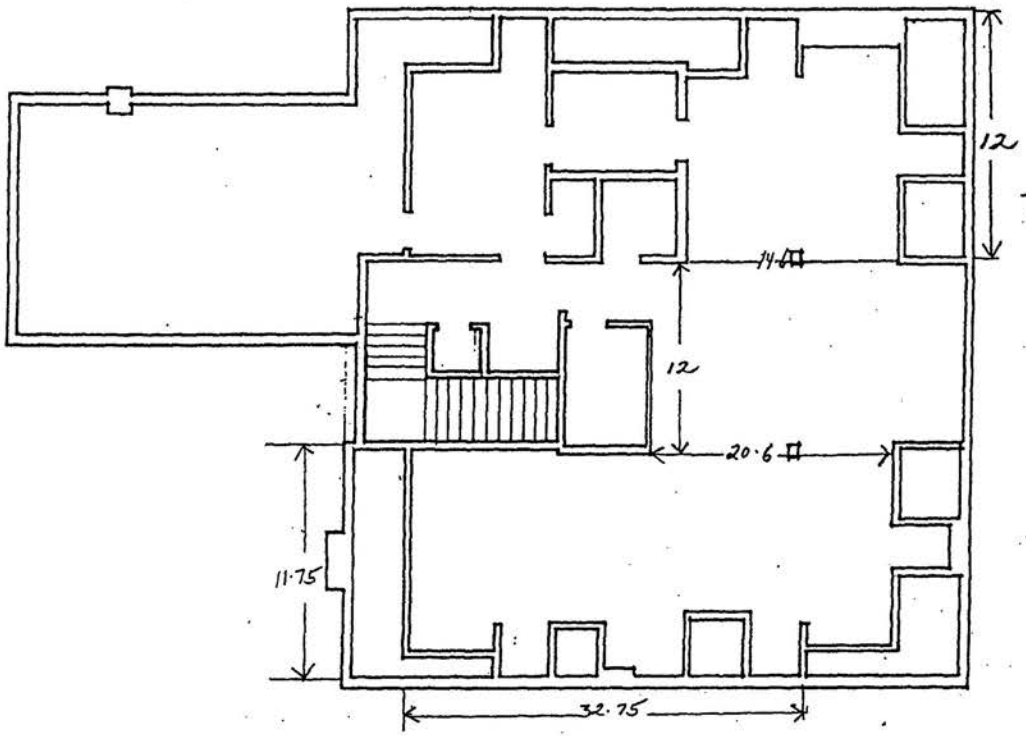
$14.5 \times 22 = 319$

$10 \times 3 = 30$

$679 \div 35$

= 19 children

THIRD FLOOR PLAN




Treetop Room

32.75 × 11.75 = 384.8

14.6 × 12 = 175.2

20.6 × 12 = 247.2

807.2/3

= 23 children

(18) 5
Treetop Room

26 chairs
4 tables
2 toilets
2 sinks

20 cots

(24) 4.6-5
Explorer

30 chairs
6 tables
3 toilets
3 sinks

24 cots + 2 spares.

(18) 4-4.
Rainbow

20 chairs
5 tables
3 toilets
3 sinks

Sunshine
(16) 3.6-4

20 chairs
5 tables
2 toilets
2 sinks

Bunny
(8) 2.6-3

11 chairs
4 tables
1 toilet
1 sink

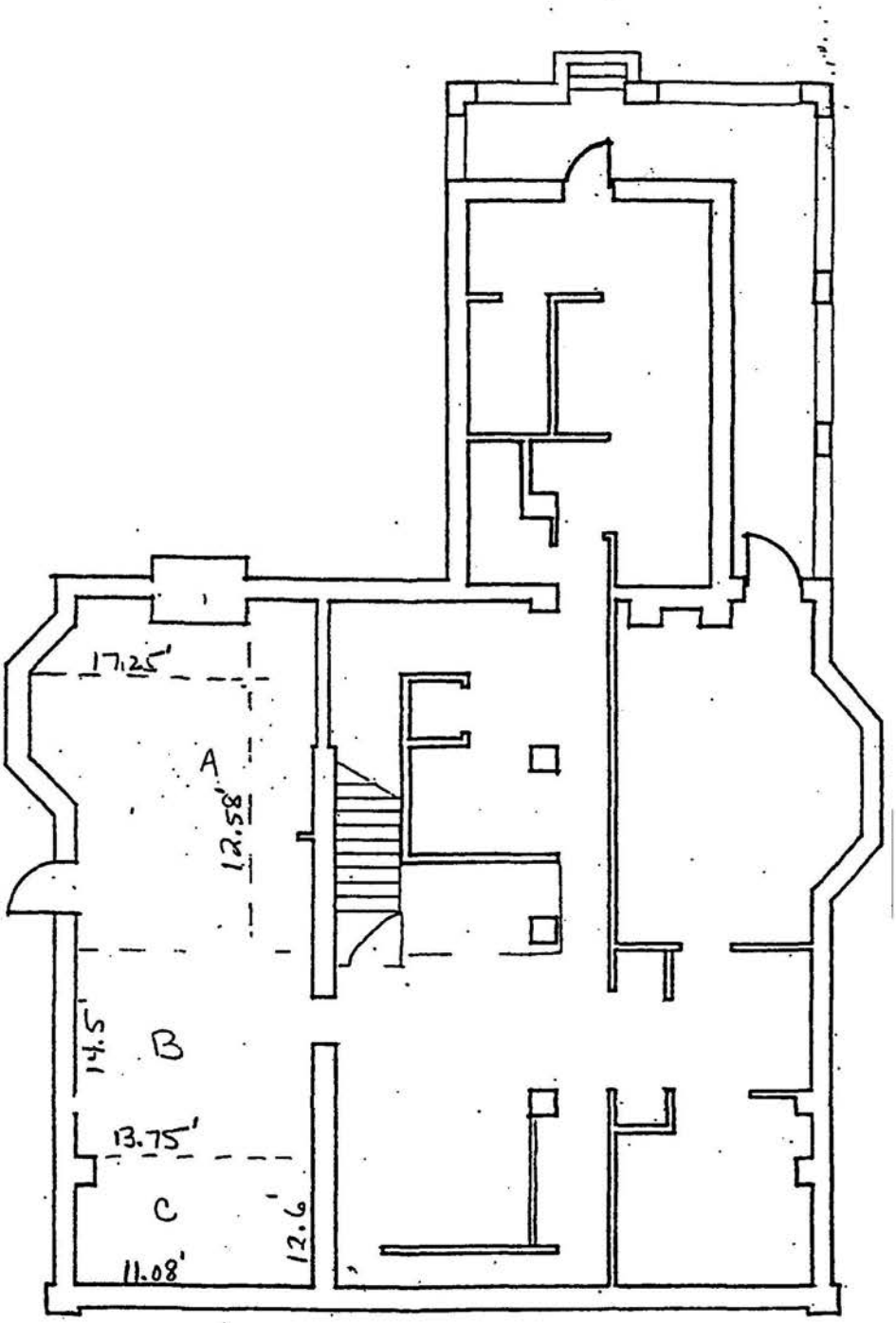
Rainbow
(16) 3-3.6

20 chairs
5 tables
2 toilets
1 sink

2 playpens

## Totals

116 chairs
30 tables
15 toilets
14 sinks.
46 cots




From 12 Room

133" = 11.08'
152" = 12.6'
165" = 13.75'
174" = 14.5'
207" = 17.25'
151" = 12.58'

| | # |
|---|---|
| A = 12.58 x 17.25 = | 217 |
| B = 14.5 x 13.75 = | 199 |
| C = 11.08 x 12.6 = | 140 |
| Total | 556 |
| | 35 = (1.6) |

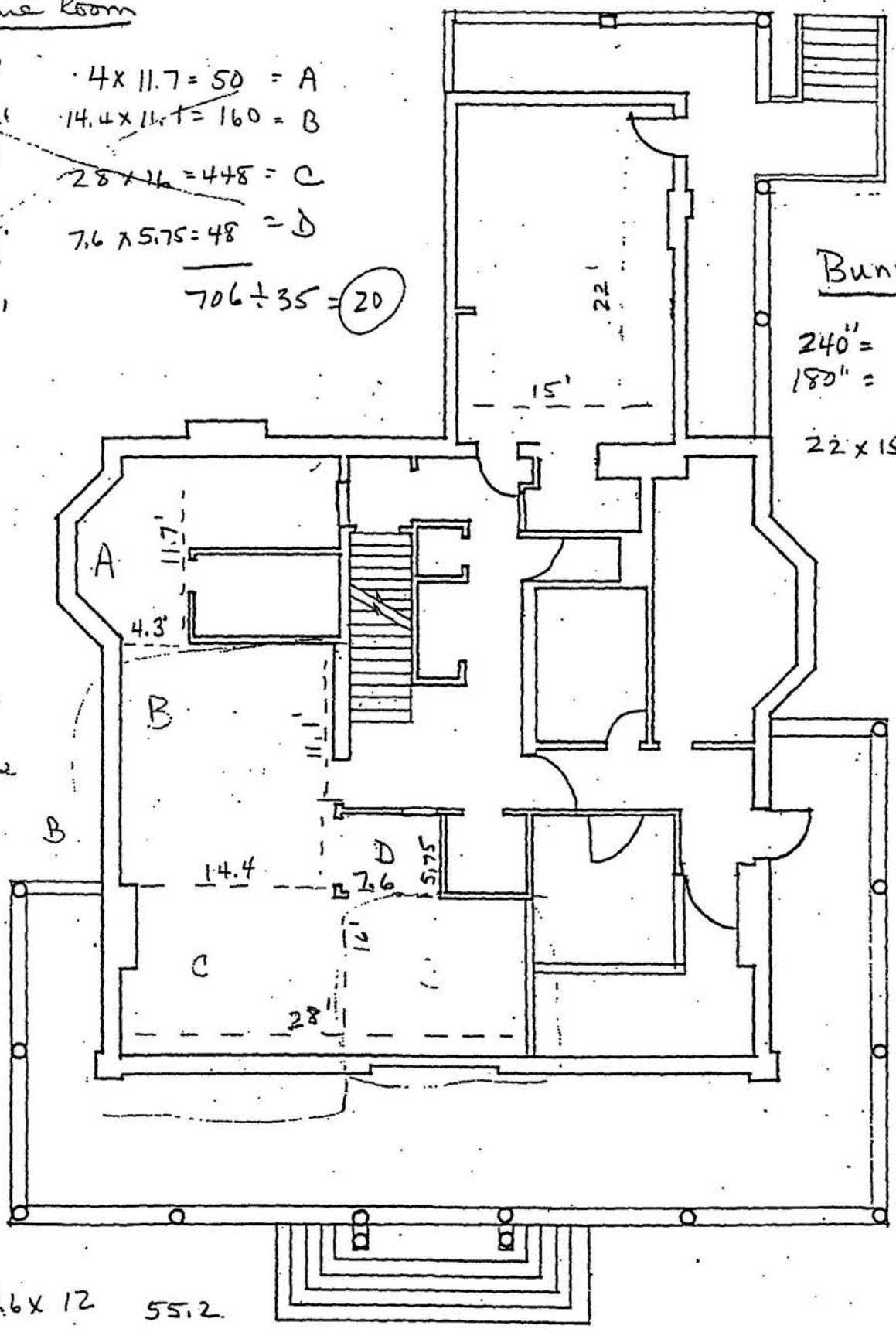
BASEMENT

## Sunshine Room

336" = 28'
192" = 16'
173" = 14.4'
134" = 11.1'
52" = 4.3'
141" = 11.75'
91.5 = 7.6'
69 = 5.75'

4 x 11.7 = 50 = A
14.4 x 11.1 = 160 = B
28 x 16 = 448 = C
7.6 x 5.75 = 48 = D

706 ÷ 35 = (20)




Sunshine Room

## Bunny Roo

240" = 22'
180" = 15'

22 x 15 = 330
35

revised

✓ A. 4.6 x 12 55.2

B 14.5 x 27. = 391.5

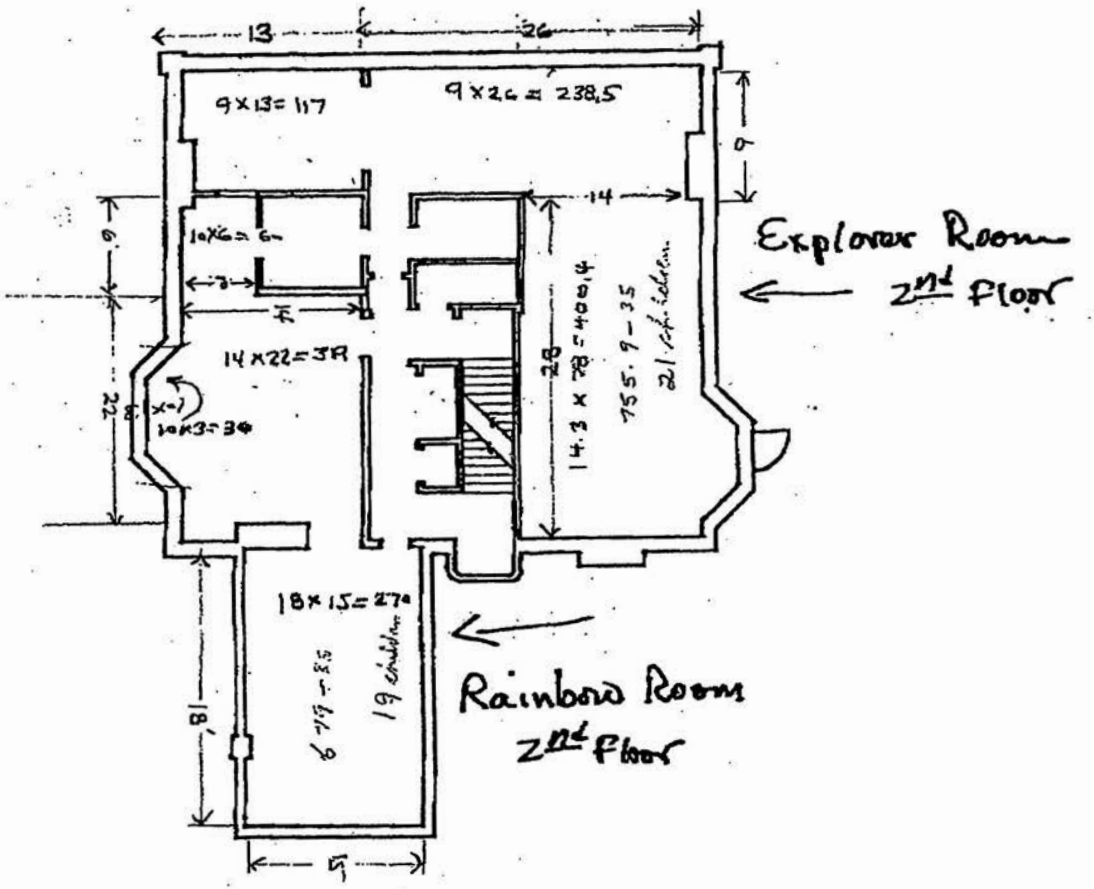
C 13.6 x 10 = 136

D 5.75 x 7.5 = 43.1

E. 17

(1 18)

FIRST FLOOR PLAN




Ground floor Plan

SECOND FLOOR

# Explorer Room




170" = 14'
103" = 8.6
312" = 26'
356.5 = 29.7'
173" = 14.4'

A- 14 x 8.6 = 120 (117)
B- 10 x 26 = 260
C = 29.7 x 14.4 = 428

805 ÷ 35 = 23

J Rem - Licensing
C 14.6 x 29.75 = 434.3
B 10 x 26.5 = 260
A 13 x 9 = 117

811.3

23

THIRD FLOOR PLAN

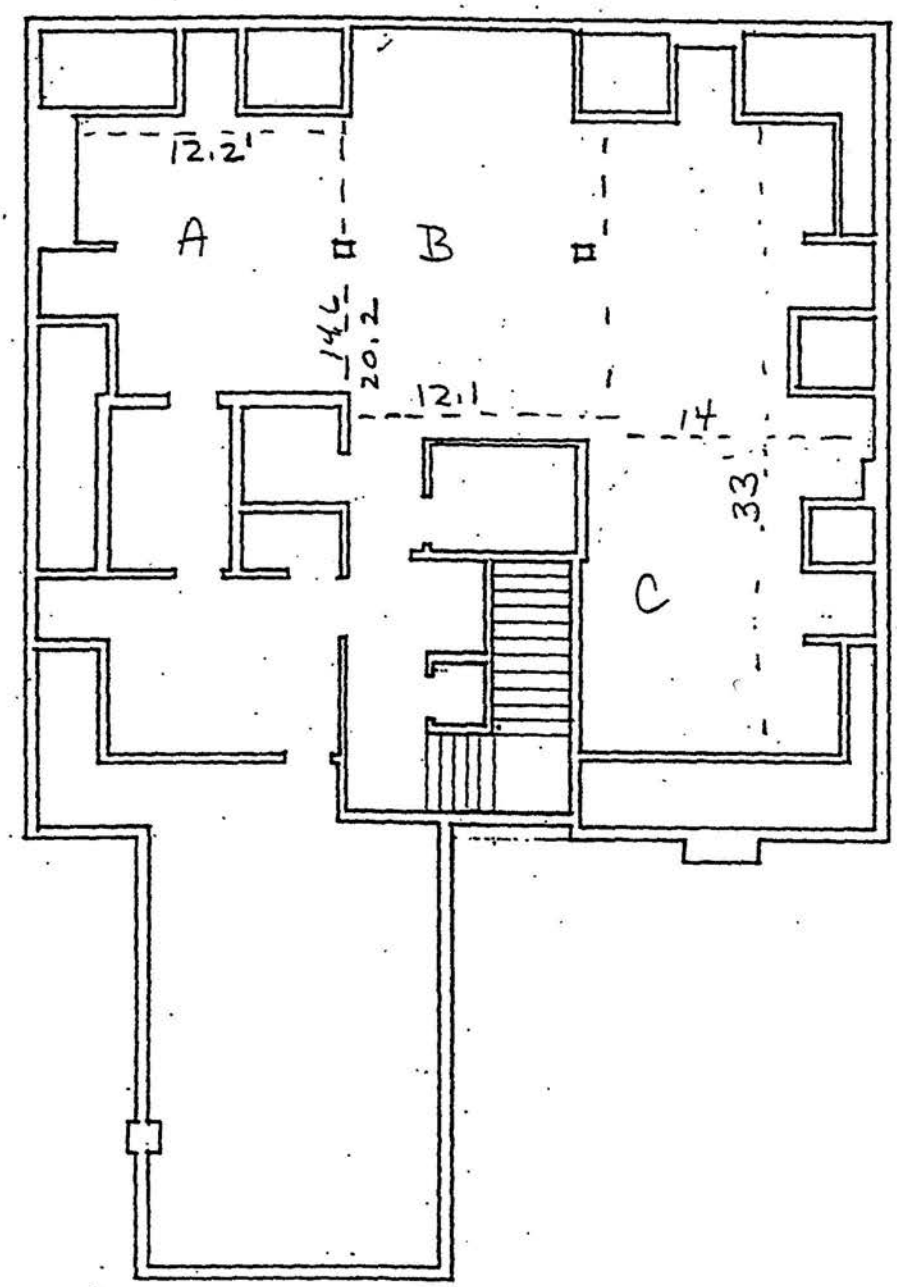
## Treetop Room

A = 12.2 x 14.6 = 178

B = 20.2 x 12.1 = 244

C = 33 x 14 = 462

884 ÷ 35 = (25)




✓ Licensing:

11.75 x 32.75 =

14.6 x 12 = 175.2

20.6 x 12 = 247.

807.4

(23)

BZA Form 2
(Revised 7/17/95)

Docket No. 16307

KGW

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION

NOTE: See reverse side of this application for filing instructions, filing fees and information required by the Board

DO NOT MAIL DO NOT MAIL

TO THE BOARD OF ZONING ADJUSTMENT:

Pursuant to Section(s) 11DCMR 3108.1 2100.5 & 205.1 of the Zoning Regulations of the District of Columbia, an application is hereby made for the following action: approve Child Development Center and _____, which is provided for by Section(s) 205.1 of the Zoning Regulations.

Premises affected are located at 3209 Highland Place, NW (street address)

Lot(s) 30 (formerly 855 & 866), Square(s) 2072,

in the District of Columbia, in Zoning District R1B.

Present Use of Property: Nursery School & Kindergarten & Elementary School

Proposed Use of Property: Child Development Center.

Owner of Property: National Child Research Center.

Address or Owner: 3209 Highland Place, NW.

State briefly the bases for action sought:

Increase number of students for Child Development Center to 108

Date: 11/11/97 Signature M. Kathryn S. Stafford (Applicant)* Director

*The owner of the property for which application is made or his/her authorized agent may file an application. In the event an authorized agent files an application on behalf of the owner, the notice of application shall be accompanied by a letter signed by the owner authorizing the agent to act on his behalf in this application.

DIS 12 P3:48

TO BE NOTIFIED OF HEARING AND DECISION:

Name Matthew S. Watson

Address 1701 Q Street, NW

Zip Code Washington, DC 20009 Phone No. (202) 986-7500

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

#1

## INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Municipal Regulations (DCMR, Title 11, Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made on BZA Form 2. All applications must be completely filled out and be typewritten or printed. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper size to complete the form.

2. Present this form and supporting documents, in person, to the Board of Zoning Adjustment at 441 4th Street, N.W., Suite 210, Washington, D. C. 20001.

3. At the time of filing an application before the Board of Zoning Adjustment, the applicant shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees (11DCMR 3380)

4. INFORMATION REQUIRED TO BE SUBMITTED AT THE TIME OF MAKING APPLICATION:

   A. A plat drawn to the scale and certified by a licensed engineer or architect or D.C. Surveyor showing the boundaries and dimensions of the existing buildings and accessory buildings; and plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered.

   B. A detailed statement of existing and intended use of such building or part of building; number of families or household units, if any, the building is designed to accommodate.

   C. Three photograph views of appropriate size but not to exceed 8 1/2 by 11 inches and showing pertinent features of the application (front, rear and sides, if possible) of the property involved.

   D. The name and mailing of address of the owners of all property within 200 feet in all directions from all boundaries of the property involved in the application. (Note: This information is most readily available from the D.C. Dept. of Finance and Revenue, Tax Assessors, 441 4th Street, N.W., Suite 450).

   E. The name and mailing address of any persons who has a lease with the owner for all or part of any building located on the property involved in the application.

   F. Documentation or a copy of the Certificate of Occupancy showing the last authorized use in case(s) where a change in one nonconforming use to another nonconforming use is requested.

   G. All applicants shall obtain from the Zoning Administrator a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application.

   H. Any other details, plans or statements pertinent to the application required by the Board of Zoning Adjustment and the Supplemental Rules of Practice and Procedures before the Board of Zoning Adjustment, D.C.

Form ED-P-601 CERTIFICATE OF OCCUPANCY No. B101503

Washington, D.C., 3/11/81, 19

Permission is hereby granted to National Child Research Center

to use the All floor(s) of the building located on Lot 855&866 Square 2072

known as premises 3209 Highland Place N.W. for the following

purpose(s): Nursey School & Kindergarten & Elementary School

)90 students)

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF ECONOMIC DEVELOPMENT, GOV'T. OF DIST. OF COL.

ZONE R1B

FEE $ 20.00

Chief, Permit Branch

By D. Francene Hyde
Permit Clerk

#5
16307

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DIST

National Child Research Center
3209 Highland Place, NW
Lot 30, Square 2072
(formerly Lots 855 & 866)

DETAILED STATEMENT OF USE

The National Child Research Center was founded nearly 70 years ago and has continuously operated as a nursery school at 3209 Highland Place in the Cleveland Park neighborhood of northwest Washington. The school utilizes two buildings, a three-story main building and a two story carriage house with a total floor area of 9,025 square feet located on just over an acre of land (45,208 square feet).

The current certificate of occupancy for the two buildings permits occupancy by a "Nursery School & Kindergarten & Elementary School" for 90 students. The existing buildings meet the District regulatory requirements for a greater number of children.

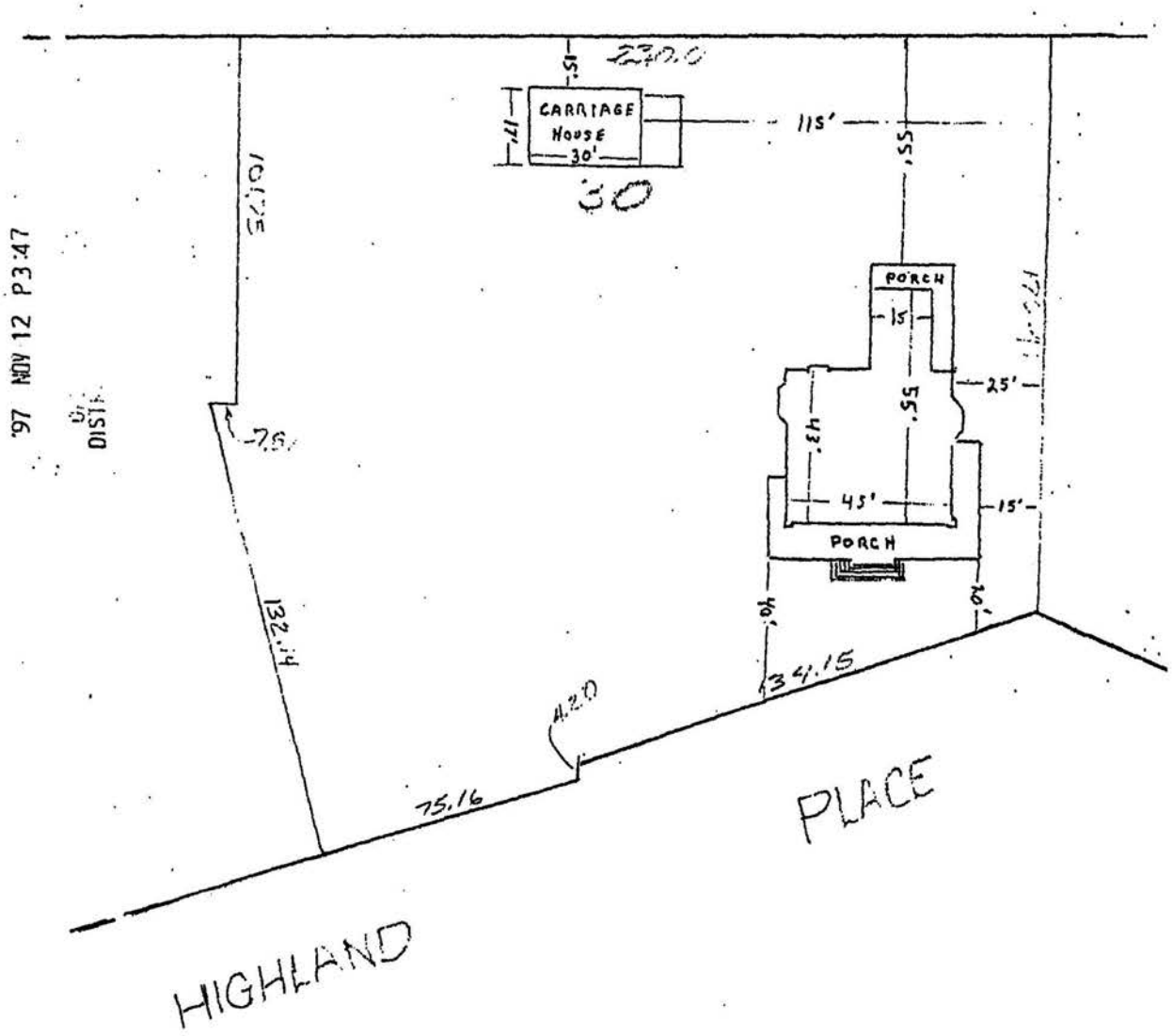
The applicant does not intend to make any changes in the buildings or grounds. The application requests an increase in the permitted occupancy to 108 students and 30 staff.

The subject buildings and grounds are contributing structures to the Cleveland Park Historic District and property is therefore not required to have additional parking spaces.

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ORCHARD STREET




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