that it doesn't have the level of adverse impact. We are not arguing that just because we want to agree with the community.

I think were the situation to come up if there was a school that didn't want to agree with anything further, that there could not be a finding that there was a sufficiently adverse impact on the community to preclude granting of a special exception, or you'd have to deny a special exception to every nursery school that had any cars coming to it to drop off and leave off.

But I don't think we have to reach that. I really do think that you can grant this, and that we can go ahead and put on the record. I think Sunshine really does work, and I think it's an innovative proposal by the Advisory Neighborhood Commission that requires it to be in a recorded form, that in future years when there are different Commissioners and likely to be different neighbors, but still NCRC there, that people will be able to go back to it, and there will be a standard.

And frankly, I think that's probably more effective than the enforcement that often occurs by the city of Board Orders.

MR. FRANKLIN: I do think we can also have

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.67A3

an Order that simply adopts the performance standards that have been suggested. The Order itself will say there shall be a plan that is -- that will note to the greatest practical extent eliminate double and triple parking on Highland Place or Ordway Street, et cetera, that that plan will be submitted to the neighbors for their comment and approval, that NCRC will request residential permit parking on the prescribed area, et cetera, and I guess that's encompassing the whole proposal.

MR. WATSON: I don't think we can, but we can't request residential permit parking. We will request the parking restriction on Ordway Street to 15 minutes.

MR. FRANKLIN: 15 minute parking.

MS. KING: Mr. Franklin, going back to you, can I just suggest that rather than specifying double and triple parking, we just say illegal parking because blocking driveways and --

MR. FRANKLIN: Sure.

MS. KING: -- and illegal parking on the sidewalk, you know, let's just say illegal parking.

CHAIRPERSON REID: And Ms. Rose, could we also say, will this be too vague to say an acceptable plan?

MS. ROSE: Acceptable by? You have to say whom, to the neighbors?

CHAIRPERSON REID: Yes, acceptable to the neighbors or to the community. Would that be too vague, or would that satisfy what you were referring to earlier?

MS. ROSE: Yes. Who would enforce it? Well, the neighbors will decide what's acceptable, but if they don't come up with an acceptable plan, then what?

CHAIRPERSON REID: Well, Mr. Watson said it's -- any conditions well conditions that we impose, well, I guess they would have the enforcement ability with the DCRA.

MS. ROSE: Will the DCRA be able to say well you didn't come up with an acceptable plan. Therefore, we're going to fine you or whatever?

MS. BAILEY: Perhaps it should just say as Mr. Franklin indicated a plan, there shall be a plan, and leave the word acceptable out.

CHAIRPERSON REID: I think we're talking about the enforcement issue. That was the problem, enforcement.

MR. WATSON: I would assume, though, that the neighbors or the ANC could go to the DCRA and say

that there's a plan complying with the requirement of the BZA.

MS. ROSE: And the whole thing right here is backwards. The plan that complies with the BZA is supposed to come to BZA before today, and BZA is supposed to look at it and either grant it or not grant it.

But to approve what's before the Board and say submit a plan later, and we hope it's acceptable to the neighbors, I just never, and that's why I'm having trouble. I've just never had a process like that before.

CHAIRPERSON REID: In other words, unless we get a plan today where the neighbors and the ANC agree on various issues and it's signed by both entities, then we would have to defer this particular -- making a decision on this particular case until our next meeting. And in the interim, we would then receive the plan that had the correct language and with the signatures affixed thereto.

MS. ROSE: Which is how the Board always does it.

MR. WATSON: If I can say, I think the difference in this case is this is a situation of a long-established operation. This is not the normal

situation that comes to the Board of establishment of a child development center.

CHAIRPERSON REID: That would be all right, Mr. Watson, except for the fact that we do have what we call friendly opposition where there are some concerns that have been put before us today, notwithstanding the fact that this is an institution that has been in business for quite some time.

MR. WATSON: Well, although we are willing to agreeing to doing a plan, we're perfectly happy to go ahead. We don't concede that there is an adverse impact, nor do I believe an adverse impact has been shown.

There are two times a day indicated of picking students up that extend for a period of 15 to 20 minutes when there is an impact on the street by an institution that was there when every single person moved into their property. But we are willing to agree our difficulty has been, and this has been delayed, and it is unfortunate because of the notice problem that we appeared for a hearing in January, and there was a decision made.

And now it is April, and if we go further, we do have concern as to the compliance issue on our child care license because the child care authorities

seem to be losing patience and have actually issued a license with the lower number saying that it can be increased when the approval of the certificate is. But if we continue, we're in technical noncompliance.

CHAIRPERSON REID: Ms. Rose, could this be set for the next hearing date, the next meeting date which is next week?

MS. ROSE: It could be set for May 6 --

CHAIRPERSON REID: May 6?

MS. ROSE: -- depending on how much time. I mean I can give you the dates that I have for due dates, and I don't know if that's adequate time for the Applicant to meet with the ANC and the neighbors, but I can let you know what those dates are.

CHAIRPERSON REID: Beverly, did I hear you say that in the interim that while it's pending before the Board, there will be no sanction, there was no violation or any penalties that would be --

MS. BAILEY: The Applicant has said that there has been no penalties he'd paid at this time. In addition to that, I would imagine if they give the Board Staff, DCRA give the Board Staff a call, he certainly can tell them that this project is in the pipeline and a decision is pending soon.

So hopefully, they would put a hold on

this and not issue any citations until this matter is resolved. This project has been in a time line -- the pipeline now for a number of months, and I can't imagine another couple of weeks is really going to make that much difference.

CHAIRPERSON REID: That being the case, Mr. Watson, I think that the consensus of the Board is, Mr. Franklin, I think we need your support of the May 6th meeting to make sure you're here.

MR. FRANKLIN: Does that give you enough time, May 6th?

MR. WATSON: Well, we will certainly work to that time because we are the ones, we do want this issued as quickly as possible.

CHAIRPERSON REID: Will that give you, as Mr. Franklin said, allow you the time to meet with the ANC, or does the full body of the ANC have to meet? We have to consider that in order to for you to get together to --

MR. WATSON: I'm not sure whether the ANC -- the ANC was talking about --

CHAIRPERSON REID: -- get together to come up with an agreement?

MR. WATSON: -- was talking reasonably so of meeting with the neighborhood.

CHAIRPERSON REID: Could you speak to that matter?

MS. ROSE: And before he does, let me let you know what the dates would be. You would be looking to get submissions?

CHAIRPERSON REID: Well, we would like to get the agreement in --

MS. ROSE: Okay.

CHAIRPERSON REID: -- and ample time for the ANC to have met, if they need to meet, to vote on the agreement and your procedures, and then allow us to get to the next possible date for us to make the decision.

MS. ROSE: We would be talking, what, four and a half weeks? It's awful tight.

MS. STAFFORD: Exactly.

MS. ROSE: I wanted to get some feedback from you.

MR. MENDELSON: Phil Mendelson with the ANC. The ANC-3C meets on April 27, Monday, April 27.

CHAIRPERSON REID: Will that give you ample time to have the meeting --

MR. MENDELSON: We can certainly try.

CHAIRPERSON REID: -- and to come to an agreement, and have it submitted to us?

MR. MENDELSON: We can certainly try. I think there would be, obviously, there would be some back and forth, and it's important to us that the school work with the neighbors. They're the ones who are going to feel this most directly.

And assuming that things can be worked out between the school and the neighbors with the ANC sort of participating, we can take it up on the 27th, our ANC. But that means we would not file with you until, I think you said May 6th is when you meet?

MS. ROSE: May 6th is the date of the meeting, but the documents would need to be -- this is the situation. The documents need to be in in time for us to submit them to the Board. If the Board is willing to get them on the 6th, that's fine with us.

But there's a ten-day period of response time which includes mail. Some people do it in seven, but if they mail it, they have ten days. So I was backing it up. The submission would be due by I have the 17th and the 27th, but I didn't know that there was a need for a meeting here. So I don't think that those dates would work.

MR. MENDELSON: Well, I think we're talking about a process. It would probably be some sort of a joint submission.

MS. ROSE: Okay.

MR. MENDELSON: In other words, there would not be a response, or if things were to completely break down, I can say now that the ANC would waive the ten-day requirement. We would simply respond after we meet on the 27th.

MS. ROSE: Is that waiver also applicable to the Applicant, or would you be willing to waive the ten-day response time for a shorter period?

MR. WATSON: Well, I think that was, Mr. Mendelson indicates sort of automatically works out. The only thing that would be submitted is an agreement. If there's an agreement, by its very nature, neither side is opposing it. So I don't think there's anything to respond to --

MS. ROSE: Okay.

MR. WATSON: -- at that point. So yes, and if the Board will waive its rules as to submission to it because it is approved the 27th, it can't be there many days before the Board.

MS. ROSE: Do you have a problem coming in on the 10th, on the date? Do you have a problem coming in on the day of the 6th?

MS. KING: No. I mean we can always take a few minutes and read it on the dice.

CHAIRPERSON REID: Ms. Rose?

MS. ROSE: Yes.

CHAIRPERSON REID: That wouldn't be a problem for the Board. Mr. Franklin, would that be acceptable to you on that date?

MR. FRANKLIN: That's fine. I can't -- I just don't have my schedule. So I don't know if I'll be here May 6th, but I can certainly look at the material. Let's get some clarity in terms of what you're going to be doing in the absence of any Order of this Board.

Is the operative instrument now the draft of the conditions that the ANC has provided? Is that going to be the constitution for what you're going to do between now and the next meeting with the Board?

MR. WATSON: I am expecting -- no, I have to say that what going to -- assuming there is an agreement as to the parking restriction, the only thing that will be agreed to is it will be requested from Department of Public Works. We can't fine Department of Public Works.

MR. FRANKLIN: Mr. Mendelson, why do we have to have both the neighbors and the ANC as part of this process? Doesn't the ANC represent the neighbors?

MR. MENDELSON: The --

MR. FRANKLIN: Why don't we just say they'll meet with the ANC, and the ANC will do its normal good touching of bases.

MR. MENDELSON: Well, our ANC meetings are a little bit like the Board's meetings. We have a lot of agenda items, and we have -- no, they're like -- they're similar. We have a lot of items. We spend a long time on the different items. What we encourage applicants to do, we went through this recently with Luray School, is for the school to work with the neighbors.

They're the ones that are most directly involved. And we participate, but if it were to be formally us and not including, formally including the neighbors, the ANC would just turn around and say to the school you still have to meet with the neighbors.

MR. WATSON: Well, if I can say though with regard, the problem including neighbors, and we're not averse to the neighbors being involved in it, but there's no way to reach an agreement with the neighbors.

There are potentially hundreds of the neighbors, and there's no way we can have a vote on that. I assume what we're talking about is whatever

is reached between the neighbors and the school will then be ratified by the ANC, and what the Board will received is the ANC's ratification of that because otherwise, I don't know what a quorum of neighbors is.

MR. MENDELSON: I am looking at the language that was in our resolution. Our thinking was that somebody was going to have to draft a plan, and I am going to try to put that responsibility on you, Mr. Watson, and I would hope that it would be submitted to the neighbors who are here today and the ANC, and there would be comments.

Sure, in terms of a -- a vote, the ANC is the one who is going to vote, and it would be hard to come up with a quorum of neighbors. So in that sense, yes, the process, I guess, does come to a climax through the ANC and is submitted to the Board.

MS. ROSE: Is it possible to get a due date before the 6th even if it's the 1st of May, the 4th of May, 5th of May, the 30th?

MR. MENDELSON: To get an update?

MS. ROSE: We can get it to the Board before the 6th the document that they're submitting, the agreement.

MS. KING: You're meeting on the 27th of April?

MR. MENDELSON: Our scheduled meeting is the 27th.

MS. KING: And our next scheduled -- our scheduled meeting that we're talking about is the 6th of May?

MS. ROSE: Yes.

MR. MENDELSON: Assuming that we have an agreement by the 27th, we would probably submit -- we would try to submit by Wednesday or Thursday of that week, which should be, I believe, the deadline for your packet. If we're close, but we don't have the final agreement, then we would probably try to figure out a way that we can come up with it before the 6th.

MS. ROSE: Our packages go out on the 1st.

MS. BAILEY: Madam Chair, if the community cannot come to an agreement, the Board has the option of stipulating what the conditions are for that Order if the community is unable to come up with an agreement.

CHAIRPERSON REID: Sure.

MR. FRANKLIN: Yes, that's a good point.

CHAIRPERSON REID: So basically, hopefully you will be able to come up with an agreement that all sides can agree upon that is of your own making and that you're all amenable to.

But in the absence of such then we would, of course, have to do it, and we would prefer not to and allow you the opportunity to be able to make your own agreement based upon your own terms being that you are the two that are most involved.

MR. WATSON: Is it then that we are rescheduled for the 6th, we expect an agreement. In the absence of an agreement, we'll be rescheduling without an agreement. I don't expect that.

CHAIRPERSON REID: I'm sorry. What's the last thing you said?

MR. WATSON: I said I don't expect the prospect of not reaching an agreement.

CHAIRPERSON REID: Okay. Very good.

MR. FRANKLIN: I'm assuming that your expectations are confirmed, there would be no time limit on the special exception.

MR. WATSON: Thank you.

CHAIRPERSON REID: Thank you.

MS. ROSE: Then the record and the application is closed except for the agreement, if there is one, to be reached between the Applicant and the Advisory Neighborhood Commission which will be due on April 30th, by close of business April 30th. That is a Thursday.

MR. MENDELSON: Okay.

MS. ROSE: And the Board will consider a decision on the application on May 6th. The meeting this time will be at 1:00 as opposed to 9:30, 1:00 in the afternoon, May 6th.

CHAIRPERSON REID: At this time, we'll take a two minute recess. We'll resume in approximately two or three minutes.

(Whereupon, the foregoing matter went off the record at 2:48 p.m. and went back on the record at 2:52 p.m.)

CHAIRPERSON REID: We will now come back to order. Thank you. Ms. Rose, please call the next case.

MS. ROSE: The next case is 16328 of Hugh V. Kelly pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to establish an accessory parking lot in the residential portion of a site in a C-1/R-5-A District at premises 3922 12th Street, N.E. (Square 3887, Lot 5).

Would all persons planning to testify in this application please rise to take the oath? Raise your right hand. Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

D.C. - 44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: Madeliene H. Dobbins
Director
Office of Zoning

Department, Public Works
Agency, Office: Intermodal & Planning

FROM: Kenneth Laden
Acting Administrator

Date: MAR 27 1998

SUBJECT: BZA Application No. 16307 - Special exception to establish a Child Development Center at 3209 Highland Place, N.W., in R-1-B zone.

The Department of Public Works (DPW) has received your memorandum requesting our review and comments regarding the transportation aspects of the subject application.

The applicant, the National Child Research Center, is requesting permission to operate a child development center for 108 children, ages two and a half to five years. There will be 28 staff to operate the Center. It should, however, be noted that the Center has been operating as a child development center for the last four to five years. Previous use of the Center was a nursery school, kindergarten and elementary school for 90 students.

The Center's operation is between 8:00 AM and 6:00 PM, Monday through Friday. The Center fronts both Ordway Street and Highland Place which are local streets in the area. Parking is unrestricted on both sides of these facilities near the project. Children are dropped off and picked up by vehicles pulling into the curb adjacent to the site. We note that the site has no off-street parking.

By Zoning Regulations, the project is required to provide a minimum of seven parking spaces. However, we note that the site is located in the Cleveland Park Historic District and the property appears to be a historic landmark. Therefore, the requirement for parking is waived.

From a transportation standpoint, no additional traffic impact will result from this proposal. We have seen that the Center has been operating for several years without parking. Therefore, the Department will not object to the continuation of the present use.

DIST
98 MAR 27 P1:26

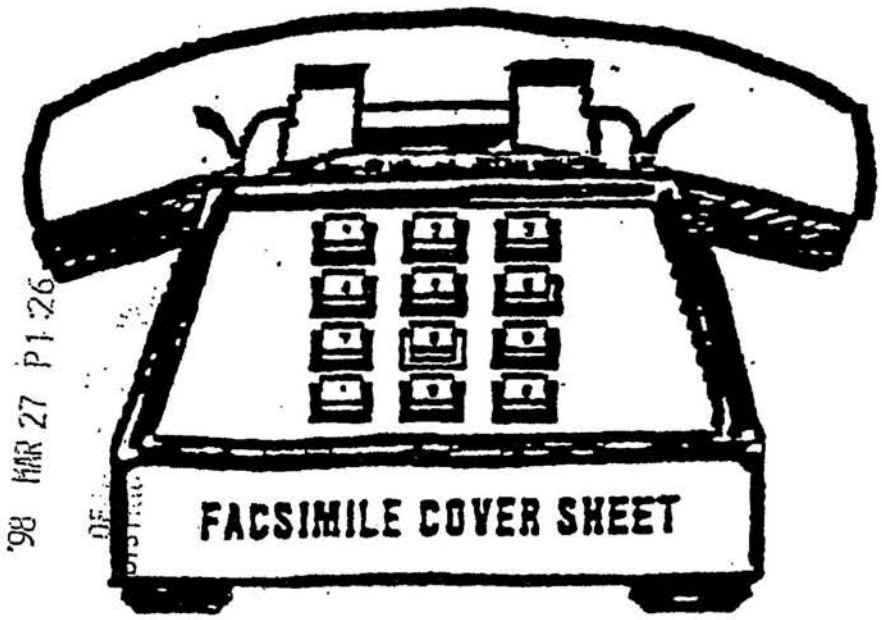
BZA
CASE No. 16307
EXHIBIT No. 32

Capital City

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DPW

DEPARTMENT OF PUBLIC WORKS



NUMBER OF PAGES

2

(INCLUDING THIS COVER SHEET)

IF TRANSMISSION IS NOT COMPLETE, PLEASE CALL THE SENDER.

3/27/98

DATE

TO: Madeline H. Dobbins

DEPARTMENT: Office of Zoning

FAX NUMBER: 727-6072 TEL. NO.

FROM: Abdoulaye Bah

DEPARTMENT: DPW- OPP

FAX NUMBER: (202) 939-7185 TEL.# : (202)

REMARKS:

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.

DIST
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



NCRC
National Child
Research Center

Susan L. Piggott
Director

September 2002

Dear [redacted]

In the Spring of 2001, the National Child Research Center received a grant from the Freddie Mac Corporation to help support educational programs at our school. An important part of our mission at NCRC is to seek opportunities, both within and beyond our school community, to advocate for all children and their families. We made a firm commitment to increase and improve our community resource and outreach initiatives. With these funds, we began to develop a conference for early childhood educators in and around the DC Metropolitan area.

It is with great pride that we announce NCRC's first annual **Early Childhood Education Conference, "Scaffolding: Frameworks for the Future."** The conference will be held on Friday, November 8, 2002, from 10:00a.m. – 4:00p.m. Mr. Maurice Sykes, Executive Director of the Early Childhood Leadership Institute at the University of the District of Columbia, will give the keynote address.

An outstanding group of early childhood professionals will present a series of workshops addressing a broad range of topics from development, health and parent education to early intervention, program flexibility and child advocacy. Individual sessions/workshops will be 60 minutes in length.

This is a meaningful opportunity for us to come together to share, learn and grow. One of our priorities in hosting this conference is to become a resource for colleagues both in and beyond our immediate community. To this end, we will use the money we have received from Freddie Mac to cover all registration fees, including lunch. As space is very limited in terms of the number of participants we can accommodate, we need to limit the number of invitations to two per school. During the month of September, we will send you two registration forms for the conference, along with a detailed program and schedule for the day. In the meantime, we hope you will inform your staff and set aside the date on your calendar.

We look forward to seeing you on November 8th!

Sincerely,

Susan L. Piggott
Director

Colleen Bane
Conference Coordinator

3209 Highland Place, NW • Washington, DC 20008
202.363.8777 • Fax 202.244.3459



NCRC
National Child
Research Center

Susan L. Piggott
Director

November 4, 2002

Dear Neighbors,

On Friday, November 8, we will host our Early Childhood Education Conference for preschool teachers in the Washington area. There are very few opportunities for professional development in this area for this group of educators. NCRC is helping to fill that gap by offering a day, free of charge, for colleagues to join us for a day of learning. I have enclosed more information about the conference.

School will be closed for children on this day, so there will be no carpools or parent parking. NCRC teachers will park off-site and be shuttled in. Participants have received maps of the area indicating unrestricted parking. Approximately 30 schools have been invited, including two teachers from each, so that they can ride and park together. Three private, uniformed officers will assist with us parking.

There should be fewer people parking than on a regular school day, so there should be little impact on the neighborhood. Please call me if you have any questions. Thank you in advance for your support of this important initiative for children.

Sincerely,

Susan L. Piggott

Susan L. Piggott, Director

3209 Highland Place, NW • Washington, DC 20008
202.363.8777 • Fax 202.244.3459

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.

NCRC ANNOUNCES EARLY CHILDHOOD CONFERENCE

The National Child Research Center, popularly known as NCRC, announces its Early Childhood Education Conference on November 8, 2002 from 10:30 a.m. to 4:00 p.m. Entitled *Scaffolding: Frameworks for the Future*, the conference will be held at the Highland Place NW home of the Center.

Keynote Speaker Maurice Sykes, Executive Director, Institute for Educational Leadership at the University of the District of Columbia will open the conference. Dr. Sykes has an extensive background in early childhood education and currently serves on the Board of the National Association for the Education of Young Children.

Workshops during the day will be led by 15 early childhood experts and specialists. Topics under discussion will include young children's emotional intelligence, motor skills and emergent literacy. Attendees will come from a wide range of publicly and privately funded early childhood programs in the DC metro area.

This conference recognizes the need for professional development for early childhood educators and has been made possible by a generous grant from the Freddie Mac Corporation.

CONTACT: SUSAN PIGGOTT 202-363-8777

Before the Board of Zoning Adjustments
Washington, District of Columbia

Declaration of Richard Bruce Beckner in Support of Motion to Dismiss Application

1. I am Richard Bruce Beckner, a person of legal age. I am resident in and, with my wife Sallie Beckner, co-owner of the house at 3225 Highland Place, N.W., Washington, D.C. We have lived at this address since May 1996.
2. My property immediately adjoins the western property line of the National Child Research Center ("NCRC").
3. On Sunday, October 27, 2002, at about 7:10 a.m., I was awakened by the sound of a gasoline-powered leaf blower, being operated on the NCRC property. After being asked to stop and resume at a later time, the NCRC employee refused and continued his work until approximately 8:00 a.m.
4. Later that day, beginning at approximately 11:00 a.m., NCRC held its annual Halloween Party, which appeared to have been attended by all of the students and their parents.
5. Since 1996, when my family and I moved to this address, NCRC has always had a Halloween party at the end of October. In general, we have no objection to the school having an annual Halloween party. We have allowed the school to connect up to one or more of our outside electrical outlets, since our house is close to the property line and adjoins the school's playground.
6. However, this year was the first time that the school began running a leaf blower at 7:00 a.m. and also was the first time that it used a large public address system to supply music for what appeared to be a musical chairs game for the children. In past years, I recall that the school used a small, portable stereo to supply the music.

7. I noticed this because I was trying to get some work done in my home office in the early afternoon, at about 2:00 p.m. My home office is on the second floor of my house, on the side that faces NCRC. The music was quite loud, even inside my house with all of the windows closed; and the announcer's voice was even louder.
8. I own a sound pressure level meter which has both "A" and "C" weighting and has a scale calibrated in decibels. I bought this meter several years ago for use in my capacity as member of the Board of the Cleveland Park Club, which is nearby, after some neighbors complained about the noise from DJs who were supplying music for high school kids' parties, held at the club. I used the meter outside of the club to know when to tell the people inside to turn down the sound levels, so that the Club would be in compliance with DC noise regulations.
9. Using this meter, I took the sound pressure level meter and stood outside on the back step of my house, which is at least 20 feet from the NCRC property line and took a sound reading. The meter indicated average levels of 75 decibels "A" weighted, with peaks up to 80 decibels. As a point of reference, the loudest volume level that I ever listen to on my home stereo, at what I would consider a "concert" level, is 85 dB, measured with the same meter in the room.
10. My wife, Sallie Beckner, and I then asked Susan Piggot, the Director of NCRC, to reduce the volume level, pointing out to her that it was excessive and unnecessary for the children's game to have anything that loud. Ms. Piggot responded by saying that she was "doing the best we can" and refused to turn down the volume – or to ask anyone to do so.
11. Thereafter, we telephoned the Third District police station to register a formal complaint about the noise violation. No police unit ever responded to our telephoned complaint.

12. Under the penalties for perjury of the laws of the District of Columbia, I declare the foregoing to be true and correct to the best of my knowledge and belief.



Richard Bruce Beckner

Dated: December 31, 2002

School Year	1995-1996	1996-1997	change from previous year		1997-1998	change from previous year		1998-1999	change from previous year		1999-2000	change from previous year		2000-2001	change from previous year		2001-2002	change from previous year	change from 1995-2002
Total Enrollment	165	165	0		0	-165		167	332		170	3		172	2		169	-3	4
DC resident students	112	94	-18		0	-94		109			115	6		129	14		122	-7	10
DC as % of total	68%	57%	-11%	#NULL!		#NULL!		65%			68%	2%		75%	7%		72%	-3%	4%
Suburban resident students	53	71	18			-71		58			55	-3		43	-12		47	4	-6
Neighborhood students	16	19	3			-19		21			18	-3		12	-6		9	-3	-7
Neighborhood students as % of total	10%	12%	2%	#NULL!		#NULL!		13%			11%	-2%		7%	-4%		5%	-2%	-4%
Maximum Student occupancy of buildings	103	100	-3			-100		100			102	2		104	2		101	-3	-2
2-day bunnies (2 1/2 year olds)	8	8	0			-8		9			9	0		9	0		9	0	1
3-day a.m. bunnies	7	8	1			-8		8			9	1		9	0		9	0	2
3-day p.m. bunnies	7	8	1			-8		9			8	-1		8	0		8	0	1
beehive a.m. (3 year olds)	16	16	0			-16		16			16	0		16	0		17	1	0
beehive p.m.	16	16	0			-16		16			16	0		16	0		16	0	1
sunshine a.m. (3 1/2 year olds)	17	15	-2			-15		17			17	0		17	0		17	0	0
sunshine p.m. (3 1/2 year olds)	15	16	1			-16		17			17	0		17	0		17	0	2
rainbow a.m. (4 year olds)	17	18	1			-18		18			18	0		18	0		18	0	1
rainbow p.m.	18	18	0			-18		17			18	1		18	0		18	0	0
explorers (all day) 4 year olds	24	24	0			-24		20			22	2		24	2		20	-4	-4
treetops (all day) 5 year olds	20	18	-2			-18		20			20	0		20	0		20	0	0
Families enrolled	160	155															147	n/a	
students per family	1.03125	1.06451613		#DIV/0!			#DIV/0!			#DIV/0!			#DIV/0!			1.14965986	n/a		

If you are not prepared to proceed, now is the time to raise such a matter. Does the Staff have any preliminary matters?

MS. ROSE: Staff has a preliminary matter with regard to Case 16307 of the National Child Research Center. On the Affidavit of Posting, the affidavit does not indicate when it was submitted. We didn't stamp it. The Staff didn't stamp it. We need to know when it was submitted to our office. If the Applicant or someone who is familiar with the submission of this --

MR. WATSON: The same day it's notarized.

CHAIRPERSON REID: Would you please speak into the mike?

MR. WATSON: Matthew Watson, Counsel for the Applicant.

CHAIRPERSON REID: Okay.

MR. WATSON: It's submitted the same day it's notarized.

MS. ROSE: All right. It is notarized on the 25th of March, and therefore, it will be timely. Thank you.

CHAIRPERSON REID: Does anyone here have any preliminary matters? Okay. We will now proceed with the first case.

MS. ROSE: Madam Chair, I think that there's a preliminary matter with regard to 16329, a Request for a Continuance. Someone should have been here to ask for that.

CHAIRPERSON REID: Is there someone here that is associated with the Case Number 16329, Robert M. Holland, et al.? I think there was a written request for postponement. There's no one here. So, we can go ahead and act on that at this time.

I have read the request, and unless my Board Members object, I have no problems with waiving the Rules to allow there to be a postponement of this particular case.

MS. KING: I agree.

CHAIRPERSON REID: Okay.

MS. ROSE: At this point, the Board has three cases on the morning agenda of May the 6th, and if you like, you could add one more case to that morning agenda. Then you would have the normal four.

CHAIRPERSON REID: I think that would be all right.

MS. ROSE: That will be May 6th at 9:30 a.m. No further notice will be given on this application except, I guess, to notify the Applicant.

CHAIRPERSON REID: Okay. 9:30 a.m.

May 6 --

MS. ROSE: Yes.

CHAIRPERSON REID: -- it is.

MS. ROSE: That's all the matters that we have.

CHAIRPERSON REID: Okay. Secretary, would you please call the first case of the day?

MS. ROSE: The first case on the agenda for this afternoon is 16307, Application 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 2½ 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 and 866).

Would all persons planning to testify in this application please rise to take the oath? Please raise your right hand. Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth? Please say I do.

(Chorus of I dos.)

MS. ROSE: Would the Applicant please come forward?

CHAIRPERSON REID: Let me ask is there anyone here in opposition to this case?

MS. ROSE: In opposition?

CHAIRPERSON REID: Yes.

MS. ROSE: In party.

CHAIRPERSON REID: Okay. Are you requesting party status?

MR. FRANKLIN: ANC is, too.

CHAIRPERSON REID: That's automatic.

MR. FRANKLIN: Yes, I understand.

CHAIRPERSON REID: ANC is an automatic party. Okay.

MR. WATSON: I am Matthew Watson, attorney for the Applicant. With me is Kay Stafford, who is the Director of the school, who will testify. Just preliminarily, I'd like to note there was submitted the first time the case was heard, which this hearing is following because of a D.C. Register Notice problem that was out of the control of the Board, but we did file at that time, and it is in the record the Memorandum from the State Historic Preservation Office giving the determination that the building qualifies as an historic building. And so we would note that

that is in the record, and we will not reintroduce it.

This is, as I indicated, an application for special exception and variance from the parking requirement for a child development center which are required by the Regulations to have this special exception. We are not intending to do any construction whatsoever, any changes in the physical plant, and in fact, it's basically a technical correction.

The previous Certificate of Occupancy was issued in 1981 for elementary school as well as a nursery school for 90 students, and had never been updated, although they had been licensed and have had more children than that.

We would call as our witness to present the facts, Kay Stafford. Should she use that microphone, or can she testify from here? Can people hear?

CHAIRPERSON REID: She can testify from where she's sitting unless you have something that you want --

MR. WATSON: No.

CHAIRPERSON REID: Okay.

WHEREUPON,

KAY STAFFORD

was called as a witness by Counsel for the Applicant and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WATSON:

Q Ms. Stafford, would you, for the record, give your name and address?

A My name is Kay Stafford, 3209 Highland Place, N.W., Washington, D.C. 20008.

Q What is your relationship with the Applicant, National Child Research Center?

A I'm the current Program Administrator/Acting Director.

Q Can you describe for the Board the operation of the Center?

A It's a nursery school.

Q What are the hours of operation?

A 8:00 a.m. to 6:00.

Q In the last five years, has the number of staff or number of children changed at the center?

A No.

Q And do you expect now to have any increases in enrollment or staffing?

A No.

Q And is this application to conform with the continued occupancy to your existing licensed daycare operation?

A That's correct.

MR. WATSON: With regard to operating the Center as a nursery school, I think, unless the Board will later have questions, it's, I think, relatively understood what a nursery school is, and we won't take the time to describe the functioning during the day and when they have juice and cookies.

(Laughter.)

BY MR. WATSON:

Q With regard to questions in the surrounding area, however, how are students dropped off at the center?

A The procedures are that there is a carpool line accessible in the morning for arrivals and at each of the staggered release times. The parents also have the option of parking nearby the school and walking their -- their child into the school.

I would say about two-thirds of the families use the carpool lines which are the most efficient way of getting in and out of the neighborhood quickly, and about one-third of the

parents either park on Ordway or Highland Place and walk their student into the school or pick them up and take them out.

MS. KING: Is there a driveway on the property because it's quite a large property? There's no --

THE WITNESS: There's no --

MS. KING: -- circular driveway on the property?

THE WITNESS: There's a circular sidewalk in the front of the residence.

MS. KING: Sidewalk but no driveway?

THE WITNESS: But not a driveway, right.

MS. KING: Thank you.

THE WITNESS: Or semi-circular.

BY MR. WATSON:

Q Do you foresee any changes in parking area? Have there been consideration of any changes in parking regulations?

A We've been asked that about, you know, many times, and we do support the use of the property primarily as a playground and a school. We do not -- we're not looking forward to having parking on the property. So this is a statement that the school has made many times. No, I don't foresee any changes.

Q And this is to keep it within its historic character?

A That's right.

Q Like the neighborhood have there been any discussions with regard to the street parking of changing of regulations?

A We are under some change in that area. In the last few years since Metro came into the area, we've had to comply with the sort of increased usage, and we, you know, we don't see any changes in what we're dealing with right now, but it has -- it has developed that there are greater constraints on ease of parking in the neighborhood.

Q On Ordway Street, directly adjacent to the property, is the parking there now currently basically commuter parking?

A Behind us in the back of the property, there's a section that commuters very often fill up very early in the morning. The rest of the area on Ordway Street has residential only zoned parking.

Q Would the school be amenable in requesting to have 15 minute parking in the early morning hours going to 8:15, 8:30 to free up that space?

A That would be good, yes.

Q Is the Center agreeable to meeting with

the neighbors before any changes are requested from the city or implemented?

A Yes. The Center is very eager to look at any issues in this way with the immediate neighbors.

Q Would the Center also be willing to discuss with the neighbors the drop off and pick up plans?

A Yes, we would.

Q And after meeting with the neighbors and working out potentially changed plans to be requested of the city, is the Center agreeable to filing a report of its drop off and pick up plans with the Board?

A Yes, we are.

MR. WATSON: I have no further questions.

CHAIRPERSON REID: Mr. Franklin?

MR. FRANKLIN: The changes you're referring to are solely with respect to the parking limits? You talk about changes that the city might --

MR. WATSON: It's solely -- we have --

MR. FRANKLIN: Solely parking?

MR. WATSON: Solely parking, the city, and the intent would be to have parking for 15 minutes which would permit drop off of students before school, but it would also have the effect of preventing

commuters from coming there early in the morning and parking all day.

The reason that section doesn't have residential parking permit is that you can't have residential parking permit unless you're abutted by a residence. And since the school is not a residence, there's no residential parking on the south side of Ordway Street.

MS. KING: It's the Department of Public Works -- have you had any kind of preliminary discussions with the DPW about whether, you know, is that something -- I don't remember 15 minute parking. Does that exist elsewhere?

MR. WATSON: It does. This is a standard parking restriction at daycare centers.

MS. KING: Oh, is it? Okay.

MR. WATSON: And we have had discussions with Karen Bennefield's office, and they are agreeable.

MS. KING: All right. I have no further questions at this time.

CHAIRPERSON REID: Okay. I'd like to know where -- where is the -- where exactly is the play area? On the survey, I did not see it so designated.

THE WITNESS: Are you looking at it?

CHAIRPERSON REID: Yes.

THE WITNESS: The play area essentially is every bit of the property other than the two buildings.

CHAIRPERSON REID: Than the carriage house and the main building?

THE WITNESS: Right. It wraps around from Highland Place to the back of the building, and it goes down to the lower end on Ordway as well.

CHAIRPERSON REID: Okay. What about -- Mr. Watson, could you please, for the record, discuss with us the compliance with Section 205?

MR. WATSON: Section -- this is with regard to Parking Section? I think I questioned it. We have the definite -- there are parking requirements required which are, I guess, one space for every seven staff except it provides within the Regulations --

CHAIRPERSON REID: Well, you -- that, I understand, was that you received a waiver of that.

MR. WATSON: We have received the waiver, but that has to then be approved by the Board of Zoning Adjustment in your Order. We are entitled by the Regulations to the waiver, and therefore, filed the --

CHAIRPERSON REID: Letter.

MR. WATSON: -- letter from the State Historic Preservation officer who was the proper party to make the determination of the historic status of the building.

CHAIRPERSON REID: Okay. Thank you.

MR. FRANKLIN: To what extent does the historic status of the building have relevance to this particular issue? For example, if the play area takes up everything that isn't really taken up by the improvements, does that play area comply with the minimal standards for play areas considering your enrollment?

MR. WATSON: Considerably in excess.

MR. FRANKLIN: Considerably in excess of the minimum?

MR. WATSON: It's over an acre of ground.

MR. FRANKLIN: Okay. That's what it appears to be. If you had a drop off area that -- in the form of a driveway as Mrs. King had asked, is that something, and in other words, you could accommodate that and not fall below the standards for the play area you have. Would that driveway be regarded as some degradation of the historic character of the property?

MR. WATSON: We believe that in the past

there has been opposition from the neighborhood to have any encroachment into the property by further paved area. It would be difficult to have the driveway in front of the property because if you look on the plat that because of the irregular shape of the property on the eastern side of the property, it's only 20 feet between the building line and the porch.

The remainder is sidewalk area to the streets. It's awfully close. It would be difficult to put a drive in front of the building and would probably interfere with both the historic and residential character of the remainder of the property since it would require taking down trees.

MR. FRANKLIN: Okay. Thank you.

CHAIRPERSON REID: What about adverse impact? Speak to the issue of adverse impact.

MR. WATSON: Well, as we have indicated, there is no change. The Department of Public Works indicated that it would have no effect in their submission on traffic in the area. We're not aware of any noise problem that emanates from the building.

One, it's -- the property, as we say, is a spacious size which keeps children from being directly adjacent to neighboring properties. The house itself is constructed in an older time, and is

a very solidly built property which buffers any noise. We don't believe that any noise comes from the property.

We believe there's very little impact on traffic. To the extent there may be any impact from dropping off and picking up, although it's a limited number of children, some walk, some take carpools, we would be agreeable to the suggestion of the ANC that there be a requirement that after the permit issues -- the approval issues that we would meet with the neighbors.

We would work out the arrangement. We would file that with the Board. The existence of this nursery school goes back to the 1930s.

CHAIRPERSON REID: So to your knowledge, there have not been any complaints from the neighboring property owners?

MR. WATSON: We won't say there have not been no complaints. When you have anyplace, there are some neighbors, and they're here to speak as well --

CHAIRPERSON REID: Okay.

MR. WATSON: -- who believe there's some impact.

CHAIRPERSON REID: Some impact, okay.

MR. WATSON: There's no living memory prior to the existence of this nursery school.

CHAIRPERSON REID: Okay. All right.

MS. KING: There must be someone who has been around for more than 30 years?

MR. WATSON: I don't think there are in the properties around it.

(Laughter.)

MR. WATSON: Well, you have to have been there for 67 years.

MS. KING: 67. That's right.

CHAIRPERSON REID: All right.

MR. FRANKLIN: Before my time.

(Laughter.)

CHAIRPERSON REID: Okay. Cross examination, ANC. Mr. Mendelson, would you like to cross examine?

CROSS EXAMINATION

BY MR. MENDELSON:

Q Good afternoon, I'm Phil Mendelson. I'm with ANC-3C. I have several questions. Ms. Stafford, how long have you been with the Center?

A Ten years.

Q And are you familiar with our report in this case, which is the letter that I gave you before

the hearing --

A Yes.

Q -- and I sent to Mr. Watson last week?

A Yes, I am.

Q Do you have any objection to the inclusion of the first three conditions that we cite in the Board's Order?

A You have to give me an opportunity to read them.

Q Sure.

(Pause for witness to read document.)

A Okay.

Q My question was asked to the first three.

A We are in agreement.

Q Your answer is yes to my question?

A Yes, we can.

Q You have no objection to the inclusion of those in the Board's order?

A Right. No objection.

MR. MENDELSON: Okay. I have no other questions. Thank you.

CHAIRPERSON REID: Okay. Thank you. Mr. Watson?

MR. WATSON: Just in summary, we ask that it be granted the only --

CHAIRPERSON REID: -- procedure first, and then you can --

MR. WATSON: I assumed we were going -- I assumed there were no further cross examinations.

CHAIRPERSON REID: No, there are no further cross. Thank you.

MR. WATSON: I was just saying --

CHAIRPERSON REID: I assume you have some closing remarks.

MR. WATSON: Okay.

CHAIRPERSON REID: Okay. Government reports. We have a letter from DPW which basically is in support of the application, and it says, in part, that's basically the project is required to provide a minimum of seven parking spaces.

We note that the site is located in the Cleveland Park Historic District, and the property appears to be a historic landmark. Therefore, the requirement for parking is waived. Will transportation stand for an additional traffic impact that is up with this proposal?

We have seen that the Center has been operated for several years without parking. Therefore, the Department will not object to the continuation of Center's use.

And then there was a letter from the Historic Preservation that states, in part, this building is either a historic landmark in the D.C. Inventory of historic sites or is located within a Historic District in the D.C. Inventory and contributes to the character of the Historic District in location, design, setting, materials, workmanship, feeling and association.

Okay. So next, we'll have the report from the ANC.

MR. MENDELSON: Good afternoon. Again, for the record, I'm Phil Mendelson. I'm Chair of the Advisory Neighborhood Commission 3C. I'm here to present the report of the ANC. You should have in the record a letter that I sent on March 25th which states the resolution adopted unanimously with eight Commissioners out of nine present at our meeting on -- our public meeting on March 23rd.

Our position, in summary, is one of conditional support, and we, on the second page of the letter, I was going to say the second page of the resolution, but that's not quite accurate, we list four conditions. The first is that NCRC will develop a drop off/pick up plan, that the plan will be submitted to NCRC's neighbors and the ANC-3C for

comment, and will be made public record by being filed in the record of this case.

We're not asking that it be submitted for review by the Board but that it be made a public record by being submitted to the file. The second condition is that NCRC will not object to or in any way discourage any extension of residential permit parking on streets within the area of the school.

And the third condition, and I'm sort of summarizing these instead of reading them in their entirety, is that NCRC will develop a proposal for changes in parking regulations for NCRC's street frontage on Highland Place and Ordway Street. The Center fronts on Highland and backs up onto Ordway.

And again, that this proposal would be submitted to NCRC's neighbors and the ANC for comment prior to the process that DPW goes through to implement it. The fourth condition that we request is that the special exception be limited to an initial period of five years. This will enable neighbors to testify on the efficacy of these measures should adverse impacts continue.

In the course of our ANC's review of this matter, we became aware of the fact that there had been some traffic impacts, and some of the neighbors

are not fully satisfied that the school has been as responsive as it should be. We nonetheless feel that the application should be granted, the application that's before you.

In addition, it is the impression of some of the neighbors that over the years, the traffic use has changed. I guess some of that has to do with how many of the children who attend the facility are families in the neighborhood who walk to school as opposed to being driven, the nature of families changing, I guess, from being a one working parent to two working parents so that there's more of a use of automobile and dropping off.

The point is that apparently there has been some increase over the years in the traffic impacts. The purpose of our requesting this time limit is really to provide a mechanism to monitor the effectiveness of the plans, the two plans that we talk about and that the school has agreed to.

To ensure that we are eliminating the adverse impacts, there's a trade-off here, and the trade-off, this is what we went through in our own thinking, is that we could say we don't want you to approve this today, that we want this case to be continued while we work out these plans, and we have

the plans finalized, then we all come in here and say we're all happy, approve it.

Or we say, and I think this is what the school wants, let's get this over with. They want to get on with their -- the appropriate certificate of occupancy. So let's approve this, but conditionally, and with that trade-off, we feel the time limit is important.

I'm sort of second guessing here that there might be some concern that having a time limit means that there's some cost to the school because they have to refile, and I'm not sure how the Board can handle that. I think it's unfortunate that there has been some discussion, I guess outside the hearing, about the costliness of fees, and that should not influence the decision-making process of what is the best way to assure that the school could function while at the same time, there is no adverse impact.

I don't know if that means that the Board can waive its fees when the school reapplies, or whether the Board can treat it as a reopening of this case so it wouldn't have to apply new. But in any event, we feel that if there's concern about that, that that should not dictate the need for us to work out these plans.

And we are willing for the school to be granted the special exception and variance, but with these conditions, and as I say, the limitation of an initial period of five years so that we're sure that everything works out and the neighbors are satisfied. Thank you very much.

CHAIRPERSON REID: Mr. Watson, do you have any cross examination, or are there any questions? Mr. Watson, do you have any?

MR. WATSON: We have no questions.

CHAIRPERSON REID: None. Okay.

MR. FRANKLIN: I have a question. Thank you for your suggestions. They're helpful for us, in my opinion. We refer to NCRC's neighbors. Who is encompassed within the ambit of neighbor for these purposes?

MR. MENDELSON: The residents, the homeowners, residents in the area, which is primarily Highland Place. With regard to looking at these plans, because parking would effect Ordway Street, we would include within the meaning of neighbors the residents in the immediate area on Ordway Street as well.

MR. FRANKLIN: Can somebody look at that definition and determine who -- whether they're a

neighbor or not? I mean should we do it within 200 feet? I mean that's our normal standard.

MR. MENDELSON: If you're asking in terms of the conditions that we cite, it should be larger than 200 feet. I would look at a map and I would probably take a compass and put the outside point on Newark Street, which is the opposite side of the lot that's across the street.

MR. FRANKLIN: Well, I'm only suggesting if we have this kind of condition it ought to be specific so that people know who's encompassed within it.

MS. KING: Highland Place is, what, two blocks long?

MR. MENDELSON: Something like that.

MS. KING: Two, two and a half blocks long?

MR. MENDELSON: Yes.

MS. KING: And it is very much a unit. There's only one way to get into it and one way to get out of it. So I think whatever definition we adopt, Mr. Franklin, that it should include all the residents on both sides of the street on Highland Place and is it Quebec Place? What is it?

MR. MENDELSON: 33rd Place.

MS. KING: 33rd Place at the bottom of the street which is this sort of funny little half block to Highland and then half block to a dead end. So certainly all of those people, and then maybe you all can -- and say a block on both sides of -- of Ordway or maybe that's where the 200 feet might come in, but it seems to me that --

MR. MENDELSON: I would say probably the 3100, 3200, and 3300 blocks of Ordway Street, all of Highland Place, 33rd Place, which is, I'm not sure if there's any houses on it. That's a half block, and Ashley Terrace, which is what I was thinking of.

MS. KING: That's the dead end?

MR. MENDELSON: Yes.

MR. WATSON: Just to correct you, you'd have to modify --

MR. FRANKLIN: You're not on the record.

MR. WATSON: Matthew Watson. Just to correct you, you'd have to modify. There's an anomaly in this neighborhood on Ordway Street. Although it's 3200 block of Highland, it's the 3000 block of Ordway. The 32nd doesn't go through, and they just continued numbering.

(Laughter.)

MR. WATSON: So --

MR. FRANKLIN: Well, I would suggest to you two gentlemen that if we adopt this condition, it might be useful just to annex this and indicate the boundaries on this so everyone's clear as to who is a neighbor for purposes of involvement. This is in the record.

CHAIRPERSON REID: Good idea.

MR. MENDELSON: That's fine. And you know, the ANC process is the process. So if there's anybody who's outside the area, the area that we're discussing, who feels they have to comment, the ANC will hear it.

MR. FRANKLIN: Whatever. I have no further questions.

CHAIRPERSON REID: Ms. King, any further questions?

MS. KING: Yes. What is the extent of residential permit parking on Highland Place and Ordway Street? Is it pervasive except the property its body, is it?

MR. MENDELSON: It's pervasive with the exception of the frontage both of the school on Highland Place and on Ordway Street, and then also the 3300 block of Highland Place, as I understand it. I think somebody will testify to this.

MS. KING: Has the -- I mean, your item number 2 seems to indicate that NCRC has been fighting you on --

MR. MENDELSON: No.

MS. KING: No, they haven't.

MR. MENDELSON: No.

MS. KING: So what you're asking, essentially, I just wanted to clarify --

MR. MENDELSON: It's just reassurance.

MS. KING: -- you're asking them not to do what they haven't done before?

MR. MENDELSON: Correct.

MS. KING: Okay.

MR. MENDELSON: Which is why I think they agreed to --

MS. KING: Yes, they do. I have no further questions.

MS. ROSE: Madam Chair, under the condition, when would the record be closed, or would it just be open until this document came in, the Agreement?

MR. MENDELSON: Well, I'm not exactly sure how the Board -- what the -- how the Board considers its procedures would apply. Our thinking was that the document would simply be filed, that the Board could