

**CNDI-LA Presentation Before ANC 4C: December 13, 2017**  
**BZA Case #19581 – Special Exception Application in R-16 Overlay Zone f/LAMB, PCS**

The position of the Committee of Neighbors Directly Impacted by LAMB Application (CNDI-LA)<sup>1</sup> is that LAMB's application to use the Kingsbury site to operate a school for 600 students with 110 faculty requires strict, enumerated conditions, as outlined in CNDI-LA's Stand-Alone and Construction Conditions.<sup>2</sup>

CNDI-LA's position is predicated on the (now) R-16 Zoning Overlay findings and rules whose purpose is to protect the residential nature of this community, which has the highest non-residential uses in the City.<sup>3</sup>

These rules require LAMB to address "traffic, parking, noise, lighting, design and other unacceptable conditions," as to their proposed operation at the Kingsbury site, which is currently bound by eleven (11) existing non-residential operations. LAMB's Application does not meet these requirements.

To be given great weight, ANC4C, in making its determination and in preparation of its written report to the BZA, is required to base their decision upon a review of the Overlay's standards, which the BZA will also review in its process. CNDI-LA opposes Applicant's Alternative Condition, which only addresses traffic staging and treats the application as a matter of right,<sup>4</sup> thus ignoring the Overlay regulations.

Accordingly, CNDI-LA respectfully requests that ANC4C not approve the Resolution to support Applicant's Alternate Condition for the following reasons:

1. Applicant's Alternate Condition, fails to address the requirements of the R-16 Zoning Overlay that offers special protections for residents from potential adverse impacts of new and expanded non-residential use, more specifically traffic/parking, noise, design/lighting, environment/construction and other unacceptable conditions.
2. The Applicant selected a location within this special protected area for their new school of 600 students. That is 2x the allowable student limit that Kingsbury received under its BZA special exception Application in 2000, and >5x the current number of Kingsbury students. This is like an oil company asking to drill in a protected area, because "it's a perfect location and there's oil to be had there."
3. Since conversations with Applicant began in September, CNDI-LA has been receptive to the proposed incoming school with accompanying increased student population and likely impacts subject to the enumerated conditions outlined in CNDI-LA's Stand-Alone and Construction Conditions. However, two sticking points have remained, related to the R-16 zoning protections that we enjoy:

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<sup>1</sup> CNDI-LA was granted party status to the LAMB Application 11/19/17.

<sup>2</sup> See BZA Case #19581/Exhibits #118 and #119 respectively

<sup>3</sup> See BZA Case #19581 / Exhibit 43A – Z.C. Notice of Final Rulemaking & Order – ZC Case #08-09; Page 2/¶3: "Over a period of years, approximately one in every ten (10) houses in the neighborhood has been converted to a nonresidential use, a much higher ratio than has been identified for any other R-1-zoned neighborhood in the District of Columbia;"

<sup>4</sup> This application is not about LAMB's "popularity" or "good-will," but about whether or not and how, given the nature of the site, which LAMB has chosen, the quality of life of residential neighbors will be adversely impacted by "unacceptable conditions" and given that impact, how these can be mitigated. Unlike most supporters of LAMB's Application, CNDI-LA is (primarily) made up of neighbors in the immediate vicinity of the site, who have dealt with the day-to-day operations at that site and numerous other institutions bounding the site.



- We are steadfast in our demand that the Applicant only be granted approval for 310 students for an agreed- upon time period (minimum 2 years) to allow for the school and the community to implement its commuting plans, good neighbor policy and mitigation conditions and experience the respective impacts of same with a lower student population. We are eager to collaborate with the Applicant to establish reasonable metrics for the final set of mitigation conditions and a process to monitor those and address issues of concern.
  - We also demand greater accountability (e.g., "the improved public review to ameliorate adverse impacts on immediate and nearby neighbors") on the Applicant for satisfying the R-16 requirements than is proposed in the Applicant's Alternative Condition. The Applicant suggests that it can demonstrate compliance with the PMP by collecting traffic data "on a typical school day during the Spring session when weather conditions are normal." With all due respect, one day of traffic data collection each year is a joke!! Even if DDOT considers that sufficient, we contend that this fails to satisfy the intent of the R-16 Zoning Overlay. And we demand that the Applicant be compelled to return to the BZA to receive approval for both the full 600 student population and the construction of its new gymnasium as originally recommended by both the OP and by the ANC.
4. The Applicant has rejected these accommodations by our protected community because, it claims, to comply with the established protections and have to "earn" its requested 600-student amount, it would blow its financing opportunity. To that we say, we're sorry, if that's true, but the Applicant shouldn't expect to drill for oil in a protected area without some limitations and additional accountability requirements.
  5. Finally, our community stands alone in this contest, protected only by the special provisions of the R-16 Zoning Overlay, the zoning review process and the integrity of the officials, (elected and otherwise), charged with administering these special protections. We request that ANC4C recognize the zoning protections, which apply to this community and the reasons for their existence and reject the Applicant's Alternate Condition, and remain true to your original recommendation – Resolution dated 11/08/17<sup>5</sup> – requiring the Applicant to return to the BZA for further approvals.

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<sup>5</sup> See BZA Case #19581 / Exhibit 71 – ANC Report

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Wednesday, December 13, 2017, copies of the Committee of Neighbors Directly Impacted by LAMB Application (CNDI-LA) December 13, 2017 Presentation to the ANC were delivered via e-mail to the following:

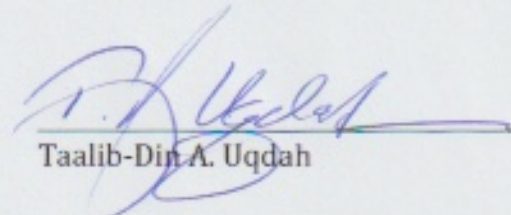
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