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February 26, 2013

VIA EMAIL

D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: BZA Case No. 18472 – Support for Applicant’s Motion for Reconsideration

Dear Members of the Board:

At the February 12, 2013 public meeting, the Board requested additional information in support of the Applicant’s request for reconsideration of condition number 1, which imposes a three-year time limit on the approval of the variance relief. The following enclosed information supplements the January 9, 2013 statement in support of reconsideration:

1. A letter from Kaye Savage, founder and CEO of the school, which explains the difficulties the school would encounter in achieving its mission with a three-year time limit on the variance approval.
2. A letter from a parent stating the importance of stability in choosing a school and the detrimental effect that a time limit would have on the school.
3. A letter from M&T Bank stating that it would be difficult to provide financing to the school if the variance approval were time limited.

This information provides more clarity on the extraordinary challenges that Excel Academy would face if its variance approval were limited to three years. The school requests that the Board remove this condition.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18472

EXHIBIT NO. 39

February 26, 2013
Page 2

Should you or your staff have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Phil Feola/CK".

Phil Feola

A handwritten signature in dark ink, appearing to read "Cary Kadlecek".

Cary Kadlecek

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Excel Academy Public Charter School
Educate. Empower. Excel.

February 26, 2013

Lloyd Jordan, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: BZA Application No. 18472 – Excel Academy, Motion for
Reconsideration, Condition No. 1

Dear Mr. Jordan and Members of the Board of Zoning Adjustment:

I am writing in support of our request to your office to reconsider removing the time limit on the application for a variance for Excel Academy Public Charter School, "Excel." Since opening in the fall of 2008 with 134 preschool through Kindergarten scholars, Excel has grown to serve 515 preschool through now 4th grade girls in five short years.

We are beginning the financial negotiations with our current landlord, Building Hope, to assume the lease directly with the District of Columbia Public Schools. An essential component of this lease assumption is to pay for the renovations made to building to date by the landlord. Obtaining financing for such renovations is very difficult when approval is limited to three years. The financing prospects and process become significantly less onerous with a certificate of occupancy assigned to Excel that does not expire.

Each year Excel has been adding about 125 students each year and most of these students come from the Preschool and Prekindergarten program that are attending school for the first time. Last year Excel had over 300 students who we could not accept because of the lack of adequate space. Further, having the ability to communicate with parents as this building serving as Excel's long term home increases our commitment to this community and parents' willingness to commit to Excel.

I am and have been a professional educator for more than 25 years. I have worked as a teacher, and administrator, and an education policy advisor. In my opinion as a professional educator, parents want stability in the school where they choose to send their children. When choosing public charter schools, parents want to know that the school

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Excel Academy Public Charter School
Educate. Empower. Excel.

will exist long enough for their children to complete the curriculum and that they will not have to change schools in the short term. In my opinion, some parents will be unlikely to send their children to Excel Academy if its future existence is guaranteed for only three years, as illustrated by the accompanying letter from a parent. The mission and existence of Excel will be jeopardized if it is unable to enroll a sufficient number of students.

Thank you for your willingness to consider this request.

Sincerely,



Kaye E. Savage
Founder and CEO

Exhibit Z

February 26, 2013

Cary R. Kadlecek
Goulston & Storrs
1999 K Street NW, Suite 500
Washington, DC 20006

Dear Cary Kadlecek:

As a parent of two daughters who attend Excel Academy PCS, it troubles me to hear about the school's precarious position with regard to the facility. I'm currently in the process of purchasing a home and I have limited my search to homes that will allow me to easily transport my girls to Excel's current location. If Excel were to move or if I knew that they expected to change locations within 3 years it would certainly have an effect on my future plans for my girls. Kaye has shared with me Excel's great plans for expansion and the girls have grown attached to their current location, they have planted a garden, and have a wonderful playground. My oldest daughter is now eight and looks at Excel as a second home. In my opinion, Excel Academy would be at a disadvantage if parents were aware of the possibility that the school may not be located in the current facility three years from now. Stability is very important in the early education of my girls and I believe other parents at Excel feel similarly.

Sincerely,

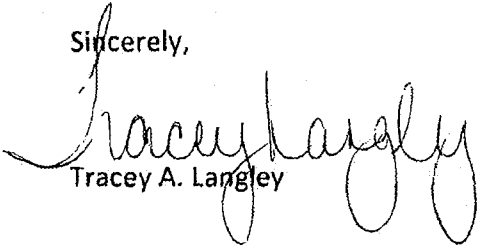

Tracey A. Langley

Exhibit 3



February 26, 2013

Ms. Kaye Savage
Excel Academy
2501 Martin Luther King Jr Avenue SE
Washington DC 20020

Dear Kaye:

This letter serves to provide more context around the issue of zoning and bank financing. Uncertainty around the future zoning of the Academy could impede your ability to get the best rate and terms. Banks like to see more certainty about the future rather than less, so the shorter duration of the zoning agreement would cause banks to move to shorter termed credit facilities. Schools looking to provide educational opportunities to their students often like to lock in rates and terms longer than three years, so certainty around the buildings they occupy would be beneficial. The Academy being obligated to go back in front of a zoning board every three years would be a significant consideration in a bank's credit decision.

Should you need additional information on this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Cullop'.

Ben Cullop
Assistant Vice President

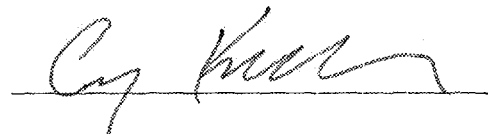
CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2013, copies of the attached letter and enclosure were delivered via email or U.S. Mail to the following:

Arthur Jackson
D.C. Office of Planning
arthur.jackson@dc.gov

Anna Chamberlin
District Department of Transportation
anna.chamberlin@dc.gov

ANC 8C
3125 Martin Luther King Jr. Avenue, SE
Washington, DC 20032


Cary Kadlecek