DISTRICT OF COLUMBIA BOARD OF EDUCATION

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apo

January 29, 2001

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Jerrily R. Kress
Director
District of Columbia
Board of Zoning and Adjustments
441 4th Street, NW, Suite 210
Washington, D.C. 20001

Dear Mr. Kress:

I understand that the Board of Zoning and Adjustments (BZA) will hold a public hearing, January 30, 2001, regarding the issuance of a Certificate of Occupancy (C of O) for purposes of operating the Georgetown Flea Market. Over the past years the operation of this flea market has been conducted on the parking lot of Rose L. Hardy Middle School, a D.C. Public School. While this matter has not been formerly consider by the District of Columbia Board of Education (Board); my view is that the decision made by the BZA will affect current policy and establish precedence on both present and future matters regarding the leasing and usage of District of Columbia Public School property.

As I read Title 5 of the District of Columbia Municipal Regulations, the Board of Education may exercise full authority on all matters regarding the leasing and use of active inventory within the District of Columbia Public Schools (DCPS). This power emanates from the District of Columbia Charter, PL 104-134 and the District of Columbia Financial and Management Assistance Authority Orders. With respect to the leasing of DCPS property, it is my understanding that the Board may exercise its authority so long as the use is not incompatible with the programs and operations of the facility; the use takes into consideration the best interest of the community; and the use does not require major structural renovation at the cost to the D.C. government.

My view is that the above mentioned were assessed and determined sufficient prior to granting the lease to the Georgetown Flea Market. However, what now is at question is the process by which an organization (both for-profit and non-profit) must follow once granted a lease on school property for activities, which are considered commercial usage, particularly within schools not otherwise zoned for commercial activity. This being the case and given the far-reaching policy implications of this decision, I ask that the BZA will fully and carefully weight all areas of concern.

Respectfully submitted,

Peggy Cooper Cafritz

Peggy Cooper Cafritz
President

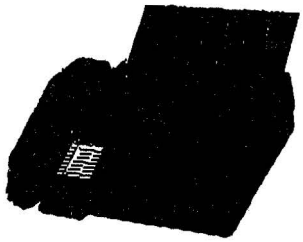
BZA
Case No. 16642
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO.16642
EXHIBIT NO.40

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DESCRIPTION OF DOCUMENT Letter regarding the Certificate of Occupancy for Georgetown Flea Market

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