ARNOLD & PORTER LLP

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555 Twelfth Street, NW
Washington, DC 20004-1206

September 19, 2005

Geoffrey Griffis, Chair
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

D.C. BOARD OF ZONING
2005 SEP 19 PM 3:15
RECEIVED

Re: Application No. 17376
E. L. Haynes Charter School

Dear Mr. Griffis:

Submitted herewith are 20 copies of the Applicant's Pre-Hearing Submission in Board of Zoning Adjustment Case No. 17105.

Sincerely,
ARNOLD & PORTER

Nathan W. Gross, AICP

Cynthia A. Giordano

Enclosures

BZA
Case No. 17376
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17376
EXHIBIT NO. 25

PRE-HEARING STATEMENT
E. L. HAYNES PUBLIC CHARTER SCHOOL
FOR A VARIANCE REGARDING THE LOCATION OF AN ACCESSORY USE
TO ALLOW A PLAY AREA FOR A CHARTER SCHOOL
AT 1366 IRVING STREET, N.W. (SQUARE 2849, LOT 98)

Board of Zoning Adjustment Application No. 17376

September 19, 2005

I. Nature of Relief Sought

This is the Pre-Hearing Statement of E. L. Haynes Public Charter School (the "School," or the "Applicant") in support of an application for variance relief from the requirement that an accessory use be located on the same lot as the principal use, as set forth in the definition of Accessory Use in 11 DCMR § 199, for the purpose of creating a Play Area on a vacant lot abutting the School for a three-year period. The requested relief is identified in the attached Self-Certification Form. The subject property is located at 1366 Irving Street, N.W. (Square 2849, Lot 98) and is zoned C-3-A.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment ("BZA") has jurisdiction to grant the relief requested pursuant to § 3103 of the Zoning Regulations.

III. The Applicant and the Principal Use

The E. L. Haynes Public Charter School is located in the Columbia Heights neighborhood on the second floor of the new (2002) CVS building at the corner of 14th and Irving Streets, N.W., having the address 3029 14th Street, N.W. (Square 2849, Lot 108). The School opened in August 2004 with 138 Pre-K to 2nd Grade students and plans to expand within 10 years to 600 students in Pre-K to 12th Grade. In approximately three years the School will move to a new a larger property because of this expansion.

Accordingly, the requested property use and zoning relief is limited to a three-year period.

The CVS building has a total of 24,190 square feet of gross floor area, of which the School occupies approximately 12,000 square feet. Additional information about the philosophy and methodology of the School is contained in the brochure, "The E. L. Haynes Approach," a copy of which is attached as *Exhibit A*.

III. The Surrounding Neighborhood

The CVS building and the abutting vacant lot that is the subject property in this application are situated in the commercial heart of the rapidly redeveloping Columbia Heights neighborhood. Entrances to the Columbia Heights Metrorail station are located directly across Irving Street to the north and directly across 14th Street to the west. The C-3-A zone district is mapped in a nodal pattern around this station, including the subject property. C-3-A is a medium-density commercial and mixed-use zone, designed to allow and encourage development of "Major Business and Employment Centers." (11 DCMR § 740)[1]

The blocks surrounding the intersection of 14th and Irving Streets are developed with a mixture of intensive uses, including low-rise, mid-rise and high-rise apartment buildings, office buildings, a major neighborhood clinic, retail and service stores and townhouses. In recent years and continuing today, numerous new buildings have been constructed on parcels of various sizes, and existing buildings have been renovated. The highest intensity of development is generally oriented to 14th Street, the traditional

[1] See the "Zoning Map" in *Exhibit B* and the "Neighborhood Context Map" in *Exhibit C*.

commercial heart of the neighborhood. The former 14th Street Urban Renewal area is rapidly being built out and revitalized.

Immediately to the south of the CVS building and abutting it is a large, high-rise apartment building. The remainder of the southern half of Square 2849 is improved with three-story apartment buildings. Abutting the CVS building on the east is a vacant lot proposed to be the Play Area for the School in this Application, followed by townhouses extending along the remainder of the Irving Street frontage to 13th Street and beyond. The first of these townhouses, abutting the subject property, is zoned C-3-A; the remainder are in the R-4 District.

The facing (north) frontage of Irving Street has the Metrorail station entrance at the corner of 14th Street, then a large vacant redevelopment site controlled by the National Capital Revitalization Corporation ("NCRC"), a high-rise apartment building and townhouses extending to 13th Street.

IV. The Proposed Accessory Use

This application requests approval for the E. L. Haynes Public Charter School to convert an abutting, vacant lot to a Play Area for the School for a three-year period. This lot, the subject property in this application, is identified as 1366 Irving Street, N.W. (Square 2849, Lot 98). It is rectangular in shape, with 20 feet of frontage on Irving Street and is 100 feet deep, therefore having a land area of 2,000 square feet.[2]

The School has a dire need for a convenient and safe Play Area, because at present the children must be escorted to a neighborhood park. In a high-traffic,

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[2] See the photographs of the subject property in *Exhibit D and* the Surveyor's Plat in *Exhibit E.*

commercial setting such as this, there are very real life safety issues involved in getting the children to the park.

The lot is currently vacant and covered with crushed stone. The Applicant has entered into a license agreement with the property owner, the Shenandoah Corporation, to create the play area and associated landscaping and playground equipment. The license agreement requires the School, at the termination of the license agreement, to remove the equipment and playground surfaces and to re-cover the lot with crushed stone.[3]

The Applicant's proposed design for the Play Area is shown on the plans in *Exhibit H*, including "Existing Conditions," "Site Plan" and "Landscape Plan." As depicted thereon, the front 15 feet of the lot will be a community garden with a timber border, outdoor bench and walkway.

The Play Area will then occupy the bulk of the lot. It will be enclosed by a seven-foot-high, semi-private vinyl fence for the safety of the students at recess. The new surface will be a rubber safety tile. At the front of the Play Area, along its eastern edge will be a hedge to provide landscape and screening from the immediate front yard of the group home townhouse neighbor to the east.

The rear portion of the subject lot will be improved with a second landscaped garden, for which the School has already received a "Grow Grant," and which will include a bench and retention of an existing mature tree surrounded by mulch and a new planting bed.

It should be noted that the 12-foot-wide paved driveway between the CVS building and the proposed Play Area is not a public alley. It is private property, being

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[3] A copy of the "License Agreement" is in *Exhibit F*.

part of Lot 108, where the CVS building is situated. This service driveway is primarily used for trash and recycling service to the dumpster at the end of the driveway. Accordingly, it is only used sporadically and will pose no safety problem for the students during recess or in passage to the Play Area. The driveway is also used for deliveries to CVS, but these deliveries only occur after 6:00 p.m., long after the time of use by the students.

The Play Area will be used for recess in the time period, 11:30 a.m. to 1:00 p.m. Recess is limited to one or two classes at a time (12-24 students), and sessions last 20-30 minutes. On approximately four days per week, "specials" classes, such as drama or dance, would use the Play Area from 12:30 to 2:30, in classes of 12 for 30 minutes per session.

As mentioned previously, the School plans to relocate to a larger facility in three years. The School's second floor space in the CVS building is 12,000 square feet of floor area. In the coming school year, Grade 3 will be added, and in August 2006, Grade 4 will be added, and so on. The addition of Grade 4 reaches the maximum capacity of the existing classroom space. Accordingly, the School will have to relocate at that time, and will convert the Play Area back to a vacant lot covered with crushed stone, as required by the license agreement with the property owner.

V. The Requested Area Variance

The requested variance from the definitional requirement that an accessory use be located on the same lot as the principal use is an area variance, the granting of which requires a demonstration to the Board of Zoning Adjustment (the "Board" or "BZA") that some exceptional condition of the Property creates a practical difficulty for the owner in

using or developing it as regulated by zoning. The Board must also find that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the purpose and integrity of the zone plan.

A. An exceptional or unique condition creates a practical difficulty in using the property.

The definition of Accessory Use in 11 DCMR § 199 is "a use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use." The proposed Play Area in this case is clearly "customarily incidental and subordinate to" the principal school use. However, it is not on the same lot as the principal use.

The CVS building, in which the school is located, occupies apparently all of its lot with the exception of a 12-foot-wide, concrete service driveway. This driveway is essential to CVS for off-street truck deliveries and for collection of trash from the dumpster at the far (south) end of the driveway. Accordingly, the Play Area cannot be on the same lot as the E. L. Haynes Public Charter School, creating a practical difficulty in creating the Play Area on the same lot with the School.

The Applicant considered approaching the owner of the property with a proposal to consolidate the two abutting lots into a single lot of record and then creating two Assessment and Taxation Lots using the present boundary between the lots. However, because the School only needs the Play Area for a period of three years before relocating, the legal costs and complications of this approach ruled out this approach. Under the License agreement, a copy of which is in *Exhibit F*, when the play area will be vacated the School must remove the surface covering, equipment and fence and again place crushed stone on the lot. This will return it to its original condition. Thus, instead of

being a variance for an indefinite period of time, in this case, the lot will become available in three years to be used or developed according to C-3-A provisions, thereby eliminating the variance.

The above factors together are exceptional and result in a practical difficulty.

B. The requested relief can be granted without substantial detriment to the public good, and the requested relief can be granted without substantial impairment of the zone plan.

The proposed Play Lot is located in an intensively developed part of the city – surrounded by high-density apartments and commercial uses, Metrorail station entrances and moderate-density uses such as row dwellings. The proposed use will not have any noise or other potentially adverse effects that compare to the activity associated with building uses in the immediate vicinity. Moreover, the recess periods occur only during a very limited time period in the day, from 11:30 a.m. to 2:30 p.m., and then only for a maximum of 24 students at one time. In this midday period, many residents of nearby residential units will be at work.

The Play Area will be a major benefit to the School and its students in terms of safety and convenience. Instead of having to travel to a neighborhood park, the students will be able to exit the School's own exit door on the east wall of the building immediately adjacent to the proposed Play Area. Thus, the students will be able to reach the Play Area without crossing a street.

The E. L. Haynes Public Charter School is a matter-of-right use in the C-3-A District, and is fully consistent with the Zone Plan. The proposed use is temporary, needed only for a period of three years until the School's expansion requires it to relocate to a larger property.

Based on the foregoing facts and analysis, the Applicant believes that the application complies with the second and third tests for approval of a variance.

VI. Community Comment

On July 13, 2005 Advisory Neighborhood Commission ("ANC") 1A considered the application and unanimously voted its support. The ANC transmitted its report to the record of this case, and a copy is also attached in *Exhibit G*. The owner of the property at 1364 Irving Street, N.W. – the only property that abuts the playground site – has also submitted a letter to the Board in support of the application. That letter is also included in *Exhibit G*.

VII. Conclusion

The proposed area variance from the definitional requirement that an accessory use be located on the same lot as the principal use is justified based upon the practical difficulties cited herein The requested relief can be granted without substantial detriment to the public good and can be granted without impairment of the zone plan. The Applicant requests that the Board approve the application to allow the School to create the Play Area according to the plans submitted to the record of the case.

Respectfully submitted,
ARNOLD & PORTER LLP

Nathan W. Gross, AICP

Cynthia A. Giordano

Attachments

cc: ANC 1A

Exhibit A: **"The E. L. Haynes Approach"**

The E.L. Haynes Approach

E.L. Haynes engages students in a challenging program in all core academic subjects plus Spanish, music, fine arts, and physical education. Teachers use a variety of evaluation tools—including DC-mandated tests, assessments of students' problem-solving skills, and portfolios students keep of their work—to monitor students' progress toward nationally acclaimed, world class standards. The key features of the E.L. Haynes' approach are:



Project-Based, Hands-On Learning

Students learn by doing and by demonstrating what they've learned. With training from Expeditionary Learning™, E.L. Haynes teachers design hands-on projects, real-life problems, and frequent outside-the-classroom expeditions that make students active participants in their own education.

An Excellent Teacher Every Year from pre-K through 12th Grade

In order to graduate young adults who are well-prepared for college and beyond, Haynes provides its students with excellent teachers every year as well as consistent expectations. E.L. Haynes makes this possible by teaching pre-K through 12th grade and providing continual, high quality professional development for teachers throughout the year.



The pre-K through 12th grade model enables the school to be a safe, stable, and nurturing environment in which students know what is expected of them every step of the way. Students develop skills in managing and taking responsibility for their behavior — and face logical and appropriate consequences if they make poor choices.



Deep Understanding of Math and Science

Technical and scientific literacy are critical in the 21st century, and E.L. Haynes' ambitious math and science program for its students and teachers will serve as a model for the broader educational community. All E.L. Haynes students will master high-level mathematical and scientific concepts and become experts at using the scientific method to frame and solve problems.



Intersession Expeditions Linked to Classroom Content



To facilitate learning through fieldwork and enhance students' retention of the curriculum, E.L. Haynes will has four shorter breaks throughout the year rather than one long summer break.

During those breaks, students have the opportunity to enroll in "intersession expeditions" that are closely linked to the material and methods they are learning at the time. E.L. Haynes plans on partnering for intersession activities with institutions such as the Smithsonian Institution, the National Geographic Society, NASA, the Anacostia Watershed Society, and others.

Family Involvement

Students' families are integral to their success. At E.L. Haynes, family members are welcomed and involved in the governance, management, and operation of the school. To further engage parents in their children's learning, E.L. Haynes provides ongoing materials and mini-courses for parents on the curriculum and strategies to support their children at home.

Diversity

E.L. Haynes has a student body that reflects the demographics of all D.C. students. The school's diversity creates an environment in which students can learn from one another, learn to respect one another, and develop the skills needed for success in a diverse world.

Our Mission

We will enable our students to master rigorous academic standards in all subjects, become skillful problem-solvers through deep understanding of math and science methods, and develop the lasting love of learning, character, and interpersonal skills critical for success in life.

Our Promise

Excellence is the standard at E. L. Haynes, not the exception. In order to fulfill our mission, every aspect of the school is well-organized, well-managed, and well-supported.

Haynes founders include over 30 Washingtonians with experience in parenthood, education, business, law, public policy, math, and science. Two national education reform organizations—New American Schools and New Leaders for New Schools—sponsored the planning of the school and will continue to support its development.

Our promise is to provide every student with an outstanding education, every family with a welcoming and respectful environment, every teacher with a fulfilling and professional place to work, and every community member with a school to take pride in.



As a Public Charter School, E.L. Haynes is free and open to any DC resident. We operate independently of the local school system and are accountable to students, parents, and the DC Public Charter School Board.

E. L. Haynes opened in August 2004 with 138 pre-K to 2nd graders and will grow over the next 10 years to enroll more than 600 students in pre-K through 12th grade. We have a student to teacher ratio of 10:1 and less than 25 students in each classroom.

E. L. Haynes is located at 3029 Fourteenth Street, NW, in the Columbia Heights neighborhood of Washington, DC. Situated across the street from the Columbia Heights Metro Station above the CVS, Haynes has 12,000 square feet of light, airy classrooms filled with vibrant and inviting learning materials.

The school is named after Dr. Euphemia Lofton Haynes, the first African-American woman to receive a doctorate in mathematics, a 4th generation Washingtonian, a teacher in DC schools for 47 years, and the first woman to serve as president of the District of Columbia Board of Education. Dr. Haynes was instrumental in the integration of the DC public school system.

www.elhaynes.org

E. L. Haynes Public Charter School
3029 Fourteenth Street, NW
Washington, DC 20009
PHONE 202 667-4446 FAX 202 667-8811
info@elhaynes.org

PUBLIC CHARTER SCHOOL



E.L. Haynes

Washington, DC

Project-based instruction, enhanced math and science, and a nurturing environment for students and families from pre-K through 12th grade.

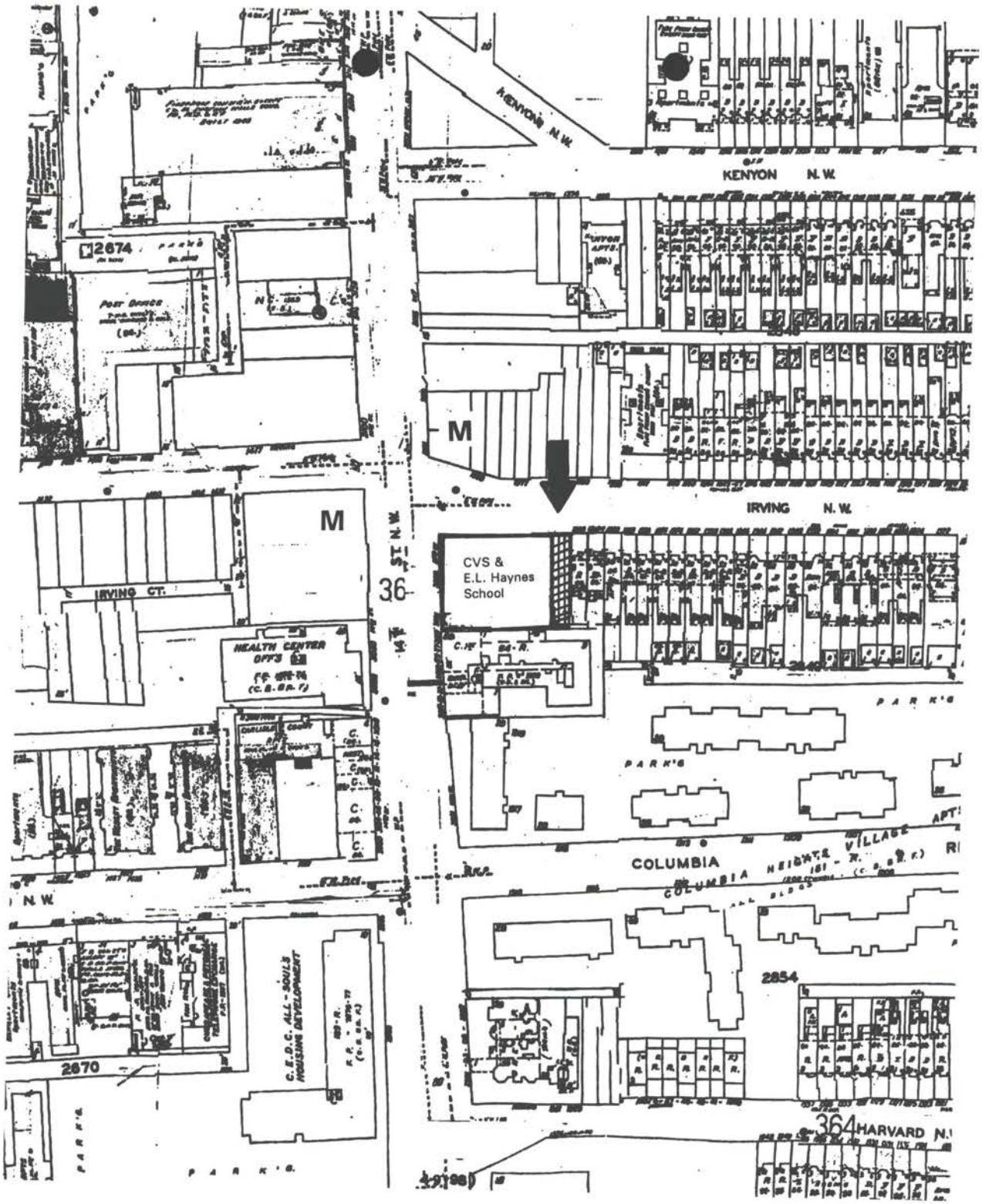
www.elhaynes.org

Exhibit B: **Zoning Map**


R-5-E
R-5-B
R-5-D
C-1-A
C-2-B
C-4
R-4
PARKWOOD PL
MERIDIAN PL
NEWTON ST
MONROE ST
KENYON PL
HOLMEAD PL
OAK ST
HARVARD ST
GIRARD ST
FAIRMOUNT ST
EUCLID ST
CLINTON ST
Meridian

ZONING MAP

Exhibit C: **Neighborhood Context Map**



NEIGHBORHOOD CONTEXT MAP

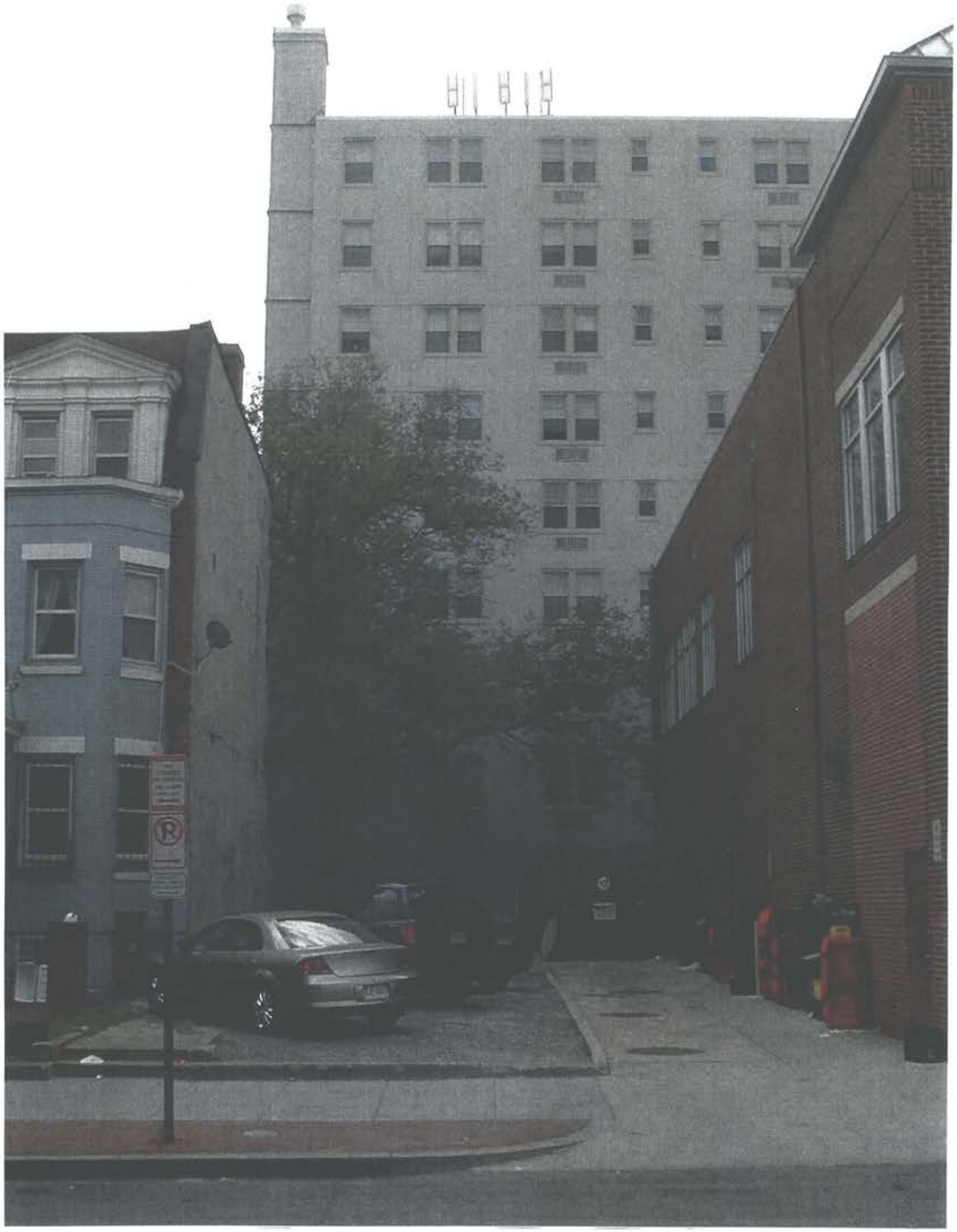
Exhibit D: **Photographs of the Property**



The subject vacant lot at 1366 Irving Street, N.W., viewed from across Irving Street. Paved driveway is on adjacent (CVS) lot.



New (2002) CVS Pharmacy building at 14th and Irving Streets, N.W., with E.L. Haynes Public Charter School on second floor



View of subject lot from north (Irving Street), with CVS building at the right, high-rise apartment house in the rear, townhouse to the left. The driveway is on the CVS lot. The vacant lot would be the Play Area



View of subject lot from inteior looking north (Irving Street), with CVS building on the left, new construction across Irving Street

Exhibit E: **Surveyor's Plat**

Washington, D.C., September 21, 2004

Plat for Building Permit of SQUARE 28[redacted]T 98

Scale: 1 inch = 20 feet Recorded in Book 43 Page 79

Receipt No. 14480

Furnished to: YANCEY

For Surveyor, D.C.

By: W.R.

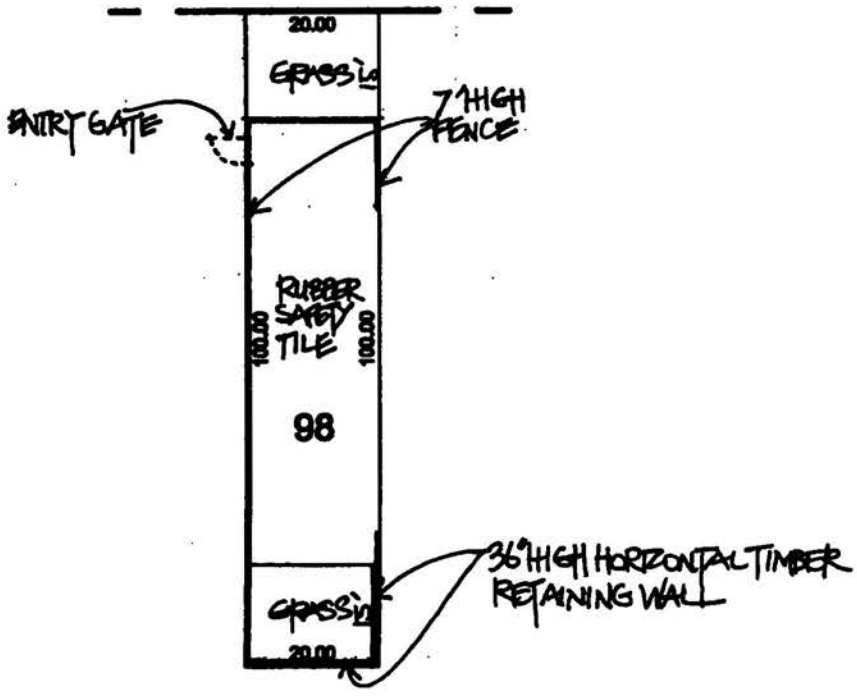
and are correctly platted; that all proposed buildings or construction, or parts thereof, covered by this application, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned consistently to the same scale as the property lines and the subdivision on this plat; and that by reason of the proposed improvements to be erected as shown hereon the side of any adjoining lot or premises is not deprived to an area less than is required by the Zoning Regulations for light and ventilation; and it is further entitled and agreed that accessible parking space where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that the side lines have been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 3/18/2005

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

IRVING STREET



BO-14480(2004)

Exhibit F: **License Agreement**

LICENSE AGREEMENT

Agreement made and effective as of July 1, 2004, by and between Shenandoah Corporation, of 1489 Chain Bridge Road, Suite 202, McLean, Virginia, ("Licensor") and Euphemia L. Haynes Public Charter School, Inc., of 3029 14th Street, N.W., Washington, D.C., ("Licensee").

In consideration of the mutual promises contained in this Agreement, the parties hereto do hereby agree as follows:

SECTION ONE

GRANT OF LICENSE; DESCRIPTION OF PREMISES

Licensor grants to Licensee an exclusive license to occupy and use, subject to all of the terms and conditions of this Agreement and in its "AS IS" condition, certain undeveloped real property located in the District of Columbia at Square 2849, Lot 98, and commonly known as 1366 Irving Street, N.W. ("the Property").

SECTION TWO

LIMITATION TO DESCRIBED PURPOSES

The Property currently has no building(s) on it and is covered primarily by crushed stone. The Property may be occupied and used by Licensee for any lawful noncommercial purpose, including, but not limited to, vehicle parking, playground and other school-related activities and for incidental purposes related to such lawful noncommercial purposes during the period beginning July 1, 2004, and continuing until this Agreement is terminated as provided herein. Licensee may not erect any permanent building(s) or other permanent fixtures or structures on the Property without the prior written approval of Licensor, except for and in accordance with

applicable law the following: remove the crushed stone ground cover, erect fencing and install playground equipment, install pavement or concrete cover over all or a portion of the Property, and grow grass, shrubs or other plants. Upon the termination of this Agreement, Licensee shall, at Licensee's expense, remove from the Property any such buildings, fixtures, equipment, pavement and cover, and Licensee shall re-cover the Property with crushed stone, unless otherwise agreed in writing by the parties.

SECTION THREE

MAINTENANCE AND INSURANCE

Licensee agrees to keep the Property reasonably clean and maintain the Property in good condition at all times. Licensee shall thoroughly inspect the Property before allowing any children access to the Property. Licensee shall include the Licensor as an additional insured on Licensee's liability and umbrella insurance coverage. Licensee shall not use and occupy the Property until it furnishes to Licensor certificates of insurance confirming such insurance is effective and that Licensor is named as an additional insured thereunder. Such insurance shall provide general liability and excess liability coverage in amounts no less than shown on the certificate of liability insurance dated June 21, 2004, underwritten by The Hartford insurance company. Such insurance shall contain a provision that it shall not be canceled without thirty (30) days prior written notice to Licensor.

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:				By:
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date:	Receipt No:

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
Tel 202-442-4589 Fax 202-442-4862

BLRA-35 (Rev. 2/04)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE
By_____ Date_____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

1 Address of Proposed Work:	Suite No.	2. Lot	3. Square	4. Application Date
1366 Irving Street NW	N/A	98	2849	4/1/05

5 Owner of Building or Property	6 Address (*Include Zip Code*)	7 Phone
Shenandoah Corp.	1489 Chain Bridge Rd Ste 202, McLean, VA	703 821-7860

8 Agent for Owner: (*If applicable*)	9. Address (*Include Zip Code*)	10. Phone
Omar Gobourne	3029 14th Street NW	202 667 4446

11. Type of Proposed Work (check all applicable boxes)

- ☐ New Building
- ☐ Addition
- ☐ Alteration and Repair
- ☐ Raze Building
- ☑ Retaining Wall
- ☑ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☐ Projection
- ☑ Other (*Specify*) Playground

12. Description of Proposed Work

Play area for public charter school children; Rubber Safety Tile surfacing; 2 small gardens enclosed by 7' high semi-private fence; Low retaining wall at back.

13 Existing Use(s) of Building or Property	14 Ex. No of Stories of Bldg	15 Ex No of Dwelling Units	Official Use Only Miscellaneous FEE
Vacant Lot - Private Property	N/A	N/A	$

16 Proposed Use(s) of Building or Property	17 Prop No of Stories of Bldg	18 Prop. No of Dwelling Units	By:	Date:
Play area for charter school	N/A	N/A		

19 Starting Date	20 Completion Date of work	21 Method of Removing Construction Debris	22 Does the proposed work involve disturbing the earth or razing a building?
5/3/05	5/18/05	[ ] Pick-up Truck [✓] Dumpster [ ] Other (*specify*)	[✓] Yes, answer q. 23 [ ] No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft?	24. Soil Erosion Control Methods	25. Area of Offsite Drainage	26. No of Footings or Columns	27 Size of Footings or Columns
☑ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	Silt Fence	N/A sq. ft	N/A	N/A

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
Complete Section C if the proposed work is razing a building. (Page 2)
Complete Section D if the proposed work is a retaining wall. (Page 2)
Complete Section E if the proposed work is a fence. (Page 3)
Complete Section F if the proposed work is a shed/garage. (Page 3)
Complete Section G if the proposed work is an awning. (Page 3)
Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY

	R	P	H	A	
M					
P					
E					W ☐ Yes ☐ No
F					PLANS
S					☐ No ☐ Sm ☐ Lg

Exhibit G: **ANC and Property Owner Statements in Support**

Advisory Neighborhood Commission 1-A
P.O. Box 73115
Washington, DC 20056

WHEREAS BZA Case # 17376 was submitted for review of a proposed variance application from the E. L. Haynes Public Charter School for a proposed charter school play area at 1366 Irving Street, NW;

WHEREAS the proposed site is currently a vacant lot and eyesore to the community;

WHEREAS the proposed site will be resurfaced and remodeled with playground equipment and associated landscaping;

WHEREAS the variance is for a 3-year period;

WHEREAS at the termination of the license agreement for the E. L. Haynes Public Charter School lease, the playground equipment will be removed and the area resurfaced with crushed stone;

WHEREAS the Advisory Neighborhood Commissioner for ANC 1A11 conducted on-site inspection of the property and conducted interviews with neighbors for recommendations regarding the proposed variance;

WHEREAS Advisory Neighborhood Commissioner 1A11 submitted BZA Case # 17376 with recommendation for review and approval by ANC 1A at its July 13, 2005 Commission meeting;

BE IT RESOLVED that Advisory Neighborhood Commission 1A approved the variance of said application, as submitted.

Adopted by unanimous vote, Wednesday, July 13, 2005.

We hereby certify this resolution to be true and correct.

_____

_____

Mack James
Chairperson

Ali Muhammad
Vice Chairperson

Francisco Escobar
1364 Irving Street N.W.
Washington, DC 20010-2314

August 29, 2005

Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street N.W., Suite 210 South
Washington, D.C., 20001

Dear Sir or Madam:

E. L. Haynes Public Charter School, 14th and Irving Streets, has my support to build an outdoor area for their students. Mr. Himber Villarreal, Director of Operations and Finance, has explained to me the plans to build the outdoor play area and gardens. The outdoor area and/or its construction will not interfere with the use of my property and will make the neighborhood more attractive.

E. L. Haynes has been a good neighbor and has promised me that they will maintain the area. My tenants, who have several children who may someday attend E. L. Haynes, are also supportive of the E.L. Haynes outdoor area.

Please contact me at the above address if I can be of any additional help in your decision to allow this project to proceed as planned.

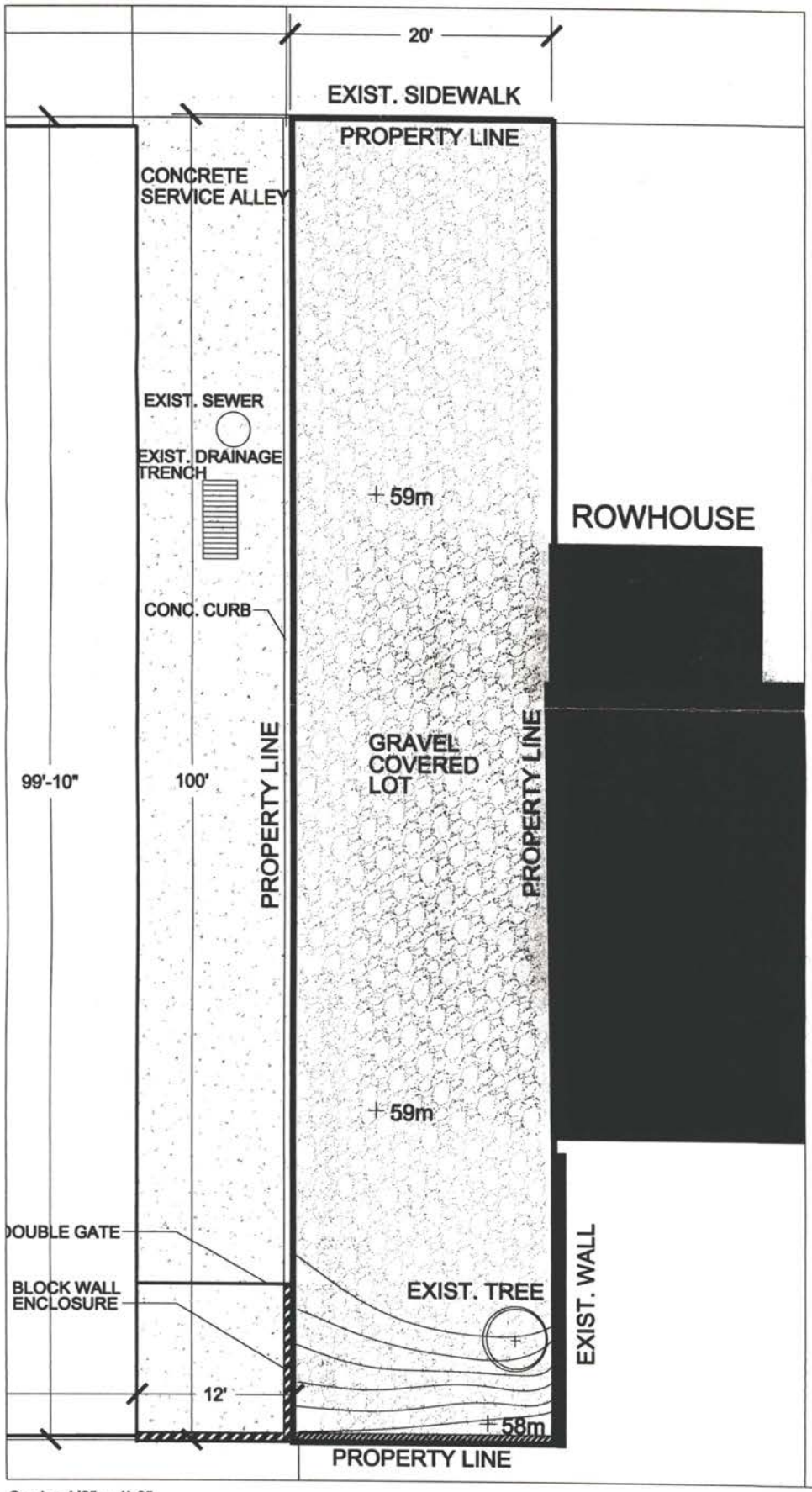
Sincerely,

Francisco Escobar

Francisco Escobar
Neighbor, E. L. Haynes Public Charter School

Exhibit H: **Project Plans**

E.L.Haynes Public Charter School
Playground @ 1366 Irving Street NW
Existing Conditions

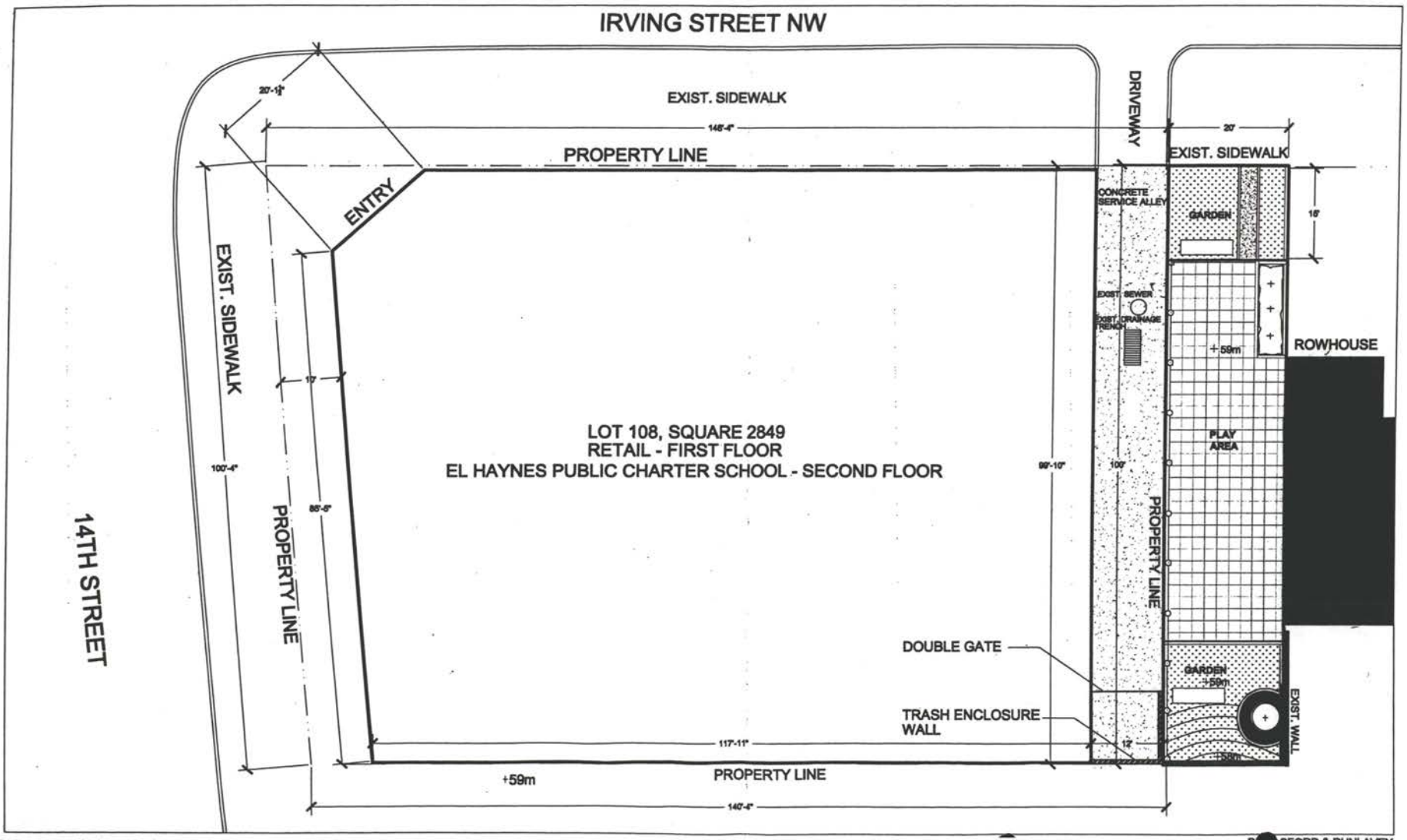


Scale: 1/8" = 1'-0"

BRAILSFORD & DUNLAVEY
DRAWN: NRA
DATE: MARCH 17, 2005

S.1A

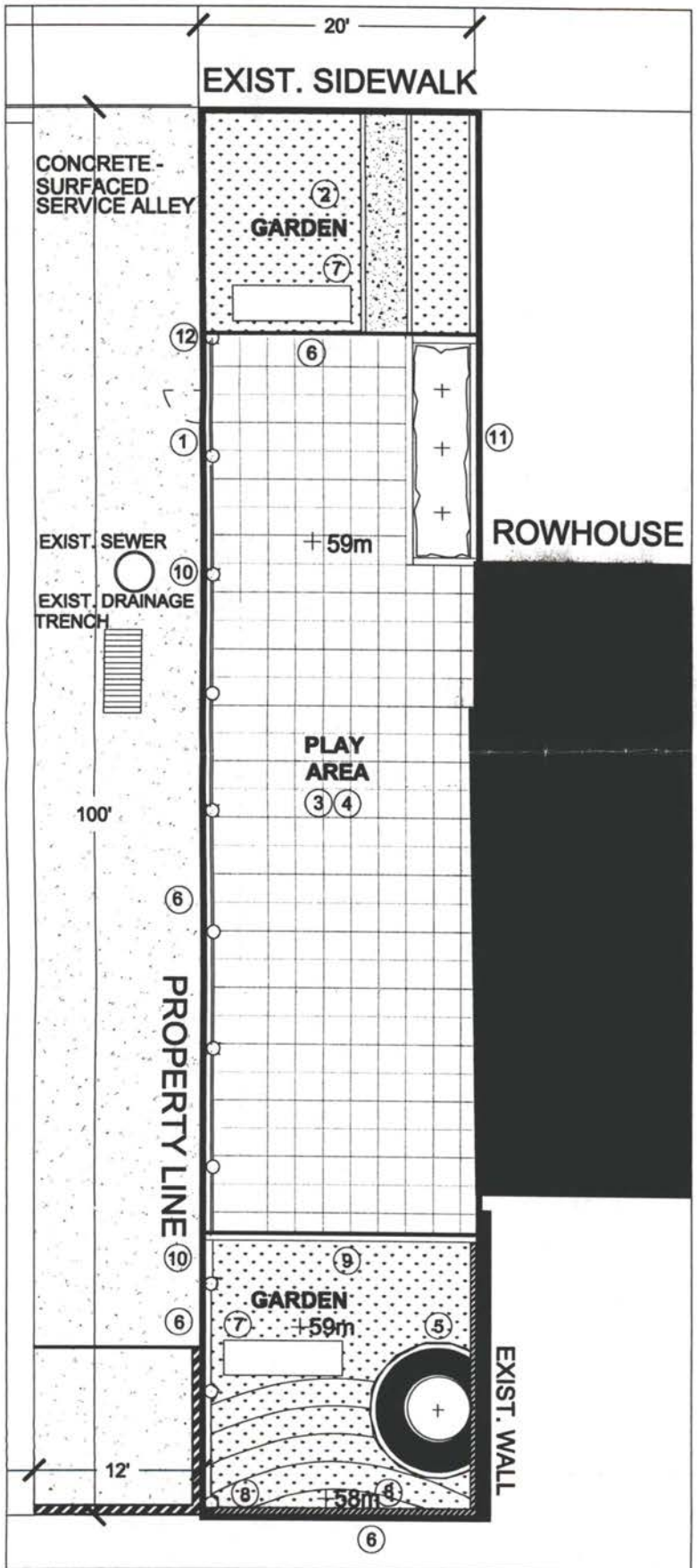
Haynes Public Charter School
Playground @ 1366 Irving Street NW
Site Plan



SCALE: 1/16" = 1'-0"

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MARCH 20, 2005

E.L.Haynes Public Charter School
Playground @ 1366 Irving Street NW
Landscape Plan



LEGEND:

1. 7' ENTRY GATE
2. COMMUNITY GARDEN W/ TIMBER BORDE
3. UNITARY SURFACING MATERIAL: RUBBER SAFETY TILE SEE MANUFACTURER CUT SHEET
4. DESIGNATED PLAY AREA
5. EXISTING TREE TO REMAIN W/ NEW MULCH COVERED PLANTING BED & TILE SURROUND
6. 7' HIGH VINYL FENCE @ PERIMETER SEE FENCE DTLS.
7. OUTDOOR BENCH
8. 36" HIGH HORIZONTAL TIMBER RETAINING WALL
9. SCHOOL LEARNING GARDEN W/ TREATED - TIMBER BORDER
10. POST-MOUNTED SOLAR SECURITY LIGH @ 14' O.C., SEE ENCLOSED MANUFACTURER SPECIFICATIONS
11. HEDGE PLANTINGS - NATIVE SPECIES
12. ADJ. CONCRETE CURB OF LOT 108

N

BRAILSFORD & DUNLAVEY
DRAWN: NRA
DATE: MARCH 17, 2005

Scale: 1/8" = 1'-0"

S.1