

December 6, 2017

VIA IZIS

Chairman Fred Hill
D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: BZA Case No. 19581 – Applicant’s Supplemental Submission

Dear Chairman Hill and Members of the Board:

On November 15, 2017, the Board held a public hearing for the above-referenced case, which is a request for special exception approval to allow the establishment and colocation of a public charter school (Latin American Montessori Bilingual (LAMB)) in the R-16 zone. The Board requested additional information on seven topics and continued the public hearing to December 20, 2017 to review those seven topics. The requested information is below and attached.

1. Performance Monitoring Plan (PMP)

Introduction

The Performance Monitoring Plan for a school provides the mechanism for capturing transportation metrics that work to minimize impacts and achieve multi-modal goals. The PMP establishes a vehicular trip generation threshold, defines evaluation criteria and methodology, and establishes potential remediating measures. There are several schools in the District that currently employ a PMP. Some examples include the following:

- Maret School
- Lab School
- Jewish Primary Day School
- National Presbyterian School
- Sidwell Friends School

PMP Content

The PMP for LAMB will result in the school submitting a report to DDOT once per year as described in the following sections. The report will include the following elements:

- Student enrollment and number of faculty/staff;

- Total entering vehicle traffic counts for students, faculty, and staff at all site driveways for the busiest morning school drop-off hour. This count must be equal to or less than 295 vehicles, prorated based on the number of staff members and students enrolled at the time of reporting;
- Mode splits, broken down separately for students and faculty/staff, obtained by counters (not travel surveys);
- Vehicle occupancy counts;
- Drop-off/pick-up area queue lengths and potential spill-back into public space using video counts (queues must not spill over into public space); and
- Documentation of any changes to transportation demand management (TDM) program from previous year, including new or innovative policies being implemented not explicitly required in the TDM plan.

Data Collection Efforts

In order to obtain the information to be included in the PMP report, data collection will be performed on a yearly basis. Data collection will occur on a typical school day during the Spring session when weather conditions are normal. A “typical” school day is defined as a Tuesday, Wednesday, or Thursday when regular school hours are in effect, during a week without holidays, and far enough into the school year that parents, students, and faculty/staff members are accustomed to school operations.

Data collection efforts will consist of the following:

- Obtaining student enrollment and faculty/staff numbers from LAMB at the time of reporting.
- Manual counters or video counters will be employed at each of the four (4) site driveways between the hours of 7:00 and 9:30 AM on a typical school day in order to determine the total entering vehicles during the morning peak hour. These counters will also be used to determine whether or not the pick-up/drop-off queues extend into public space and the mode splits.
- Manual counters will be employed at the pick-up/drop-off area(s) and the parking lot to count the number of students in each vehicle and the number of employees carpooling. These counts will take place on the same day as the driveway counts.
- A survey of families and faculty/staff will be conducted and cross referenced against the field observations to help determine mode splits by students and faculty/staff.

Analysis Methodology and Compliance

The data collected will be used to determine whether or not the school is in compliance with the performance monitoring metrics. The school will be considered in compliance if the vehicle trip target for the busiest morning school drop-off hour is met (i.e., less than or equal to 295 entering vehicles, factored based on the number of enrolled students and staff members) and if pick-up/drop-off queues are shown to stay within private property. The school’s traffic

consultant will prepare a report of these observations and data and submit it to DDOT for review and analysis.

If the vehicle trip target for the busiest morning school drop-off hour is exceeded or queues are shown backing into public space for two (2) consecutive years, then the Applicant will be required to adjust and improve the TDM program and/or pick-up/drop-off operations, gaining DDOT approval on these adjustments.

The vehicular driveway counts will be used to determine if the vehicle trip target is met. If the vehicle trip target is the condition not met, then the mode split data and vehicle occupancy data will be examined to determine whether the increase in vehicular traffic is caused by a higher than expected vehicular mode split, a lower than expected carpooling rate, or both. Proposed adjustments to the TDM program will be based on these findings and will aim to solve the observed issue(s).

If the queuing target is not met, then site observations will help determine whether it is an issue of too many vehicles or traffic management for the internal space. If there are too many vehicles, then the TDM program will be adjusted to reduce the number of vehicles. If there is poor management of the internal space, then the school will be required to improve its parent education and/or increase the number of staff helping monitor pick-up/drop-off operations.

PMP Timing and Completion

Consistent with and exceeding the DDOT conditions, the Applicant is proposing to implement the PMP and submit performance monitoring reports to DDOT **starting in the first year** of LAMB’s operations at the building. The submission of performance monitoring reports will continue until (1) a minimum of three years of reports have been submitted or LAMB increases its enrollment to a maximum of 600 students, whichever is later, **and** (2) the two latest consecutive years demonstrate that the school is in compliance with the monitoring plan.

2. Anticipated Mode Splits

The mode splits assumed in the Applicant’s CTR were primarily based on existing student travel trends as provided by LAMB. The mode splits assumed in the CTR are shown on Table 1 below. At the time of the study, LAMB occupied two buildings located approximately 3.5 miles from each other, serving different age groups. As such, families with students at each of the locations would require at least one driving trip.

Table 1: Mode Split Assumptions from CTR based on Current Locations

Travel Mode	Elementary School	Primary School
Driven	71%	81%
Passenger in car that drives	4%	4%
Public transportation	15%	8%
Bike	4%	3%

Walk	6%	4%
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As part of this Application, LAMB proposes to consolidate all students at one campus, located at 5000 14th Street NW. Based on this consolidation, and the concentration of families in Ward 4, it is expected that travel to the site will rely less heavily on vehicular traffic. The anticipated mode split at the new facility is shown in

Table 2 below.

Table 2: Expected Mode Splits upon Consolidation at Kingsbury

Travel Mode	Elementary School	Primary School
Driven	64%	74%
Passenger in car that drives	4%	4%
Public transportation	9%	6%
Bike	7%	4%
Walk	16%	12%

3. LAMB’s Student Population Growth Plan

LAMB plans to consolidate and grow its student population to a maximum of 600 at the subject site (Kingsbury) via the following anticipated five-year plan:

	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Kingsbury facility @ 5000 14th St. NW	310	287	304	326	347	586
Walter Reed facility (to be closed)	193	249	240	247	258	0
Total	503	536	544	573	605	586

This growth plan is subject to change based on when the Kingsbury Center vacates the property, but LAMB will not be able to obtain a certificate of occupancy to expand its student count at the site unless it is in compliance with the proposed condition no. 22 (see attached).

4. Good Neighbor Policy

LAMB's goal is to be a responsible member of its local community, and, therefore, it will remind staff, families, and students that their behavior in the vicinity of the school should be within the guidelines of acceptable behavior within the school. To that end, LAMB reserves the right to invoke a disciplinary response to any misbehavior that jeopardizes LAMB's standing as a good neighbor.

LAMB expects to be a good neighbor and work with its students and families on safe and courteous driving and parking habits. Multiple times per year, families will be reminded of our traffic and routing guidelines, which will be included in the Parent and Employee Handbooks. In accordance with Washington DC traffic regulations and LAMB's Good Neighbor Policy, all members of the school community – including students, faculty, staff, visitors, and guests – will be incentivized to do one of the following while attending class, working, or visiting LAMB:

- Park only on campus using designated parking spaces;
- Use public transportation;
- Walk, bike, or carpool;
- Use 14th Street NW as the primary driving route to and from the school, to the greatest extent possible.

LAMB will issue a DC One Card to all students age 5 and older who are eligible to ride Metrobus or Metrorail for free. In addition, LAMB offers a transit benefit to all employees for use of public transportation.

LAMB commits to working with West Education Campus to ensure that the fundraising efforts of the schools' school-parent organizations (PTA/FTA/PTO) do not compete. For example, West Education Campus holds an annual Christmas tree sale, and LAMB has agreed to not compete with that initiative.

LAMB also will work with the surrounding community and West Education Campus to establish key metrics and verification methods of compliance with its own Good Neighbor Policy, the parent commuter plans, and with the terms the BZA order related to the core issues of concern –traffic/parking, noise, environmental impact, lighting/design, and approved use. LAMB will establish a community liaison committee and convene quarterly meetings to review these metrics and identify any issues that require redress or mitigation.

5. LAMB/Community Committee Meetings

The LAMB/Community Committee (LCC) will be comprised of nine (9) representatives: one (1) LAMB administrator, two (2) members of the LAMB PTO, one (1) LAMB parent residing in ANC 4C, the ANC 4C02 SMD representative, and four (4) residents of ANC 4C on behalf of the community (including CNDI-LA and West Education Campus). Meetings will occur in-person once per quarter at 5000 14th Street NW in order to discuss and work on

solutions to any issues of concern to the community and/or ANC about LAMB. One week prior to the school's start date, the LCC must have all members assigned and notified of the year's meeting schedule, which will be agreed upon each August, beginning in August 2018. Proposed meeting dates for 2018 are as follows:

Meeting Kick-off: August 2018 (prior to first day of school)

Purpose: Introductions/Agree on Meeting dates and times

1st Community Meeting: October 2018

2nd Community Meeting: January 2019

3rd Community Meeting: April 2019

4th Community Meeting: June 2019

If LAMB does not follow the terms of the LCC's operations or abide by its obligations, then any member of the LCC or the community may file a grievance with the LCC and ANC 4C. The ANC may then mediate the situation or may escalate the concern to the correct agency, such as DDOT, DCRA, Councilmember's office, etc. If the grievance is not addressed by ANC 4C, then the complainant may file a request for a zoning enforcement action with the Office of the Zoning Administrator.

6. Financing Challenge for Public Charter School

Charter schools are publicly funded by a per-student allotment from the District, so they have fixed budgets. **The funding formula for charter schools multiplies student enrollment by an allocated per-student facility allowance once the school is operational.** Charter schools have no other dedicated funding sources. Thus, the facility that a charter school can afford is directly proportional to the number of students. For LAMB, the ability to afford the Kingsbury facility is based on the number of proposed students.

Unlike for traditional public schools that are established with facilities and capital budget allocations, the District does not provide loans or the necessary up-front capital to charter schools to buy and equip facilities. Thus, charter schools must turn to the commercial financing markets. The up-front costs for a charter school include the purchase of a building, equipment, and furniture; funds to hire teachers; and cash reserves to initially operate the school. All of this initial investment must be made prior to any disbursement of funds from the District.

Co-Applicant Building Hope's role is to help charter schools obtain financing by working with commercial lenders to provide that up-front capital in the form of loans. In return for any loan, all lenders must be 100% confident that the charter school will have sufficient funds to both operate the school and make the proper payments on the loan. Because commercial lenders are risk averse, they will limit or deny funds for schools where there is no certainty about the number of students, since that is the basis of the school's funding stream. To a lender, uncertain student enrollment numbers equate to uncertain revenue, which, in turn, limits the school's ability to repay the loan. Since returning to the BZA for an enrollment increase is discretionary and outside

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of the school's control (i.e., there's no guarantee of the enrollment number), it risks the viability of the lender's investment in the school. As a result, a lender will not assume that kind of risk for a charter school and will not provide the financing.

7. Applicant's Proposed Conditions

The Applicant's final list of proposed conditions of approval is attached. These conditions reflect those sought by ANC 4C, DDOT, OP, and the community. CNDI-LA filed their recent proposed conditions (filed on December 5, 2017 as Exhibits 118 & 119 in the record) without consulting with or reviewing them with the Applicant and despite the Applicant's attempts to meet with CNDI-LA. Nevertheless, in the spirit of further compromise, the Applicant will agree to many of their proposed construction management conditions, which are reflected in the attached proposed conditions.

The Applicant looks forward to discussing this information on December 20th. Should you or your staff have any questions in the meantime, please do not hesitate to contact me.

Sincerely,

/s/
Cary R. Kadlecek

Attachment

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 6, 2017 copies of the Applicant's Supplemental Submission were delivered via email to the following:

Maxine Brown-Roberts
D.C. Office of Planning
maxine.brownroberts@dc.gov

Aaron Zimmerman
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CNDI-LA
c/o Rami Rihani
rami.rihani@gmail.com

Advisory Neighborhood Commission 4C
c/o Commissioner Maria Barry – SMD 4C02
4C02@anc.dc.gov

_____/s/_____
Cary Kadlecek