

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review

DATE: December 13, 2017

SUBJECT: BZA Case 19581 – Supplemental Report, Special Exception for Latin American Montessori Bilingual Charter School at 5000 14th Street, NW in the R-16 zone.

At the November 15, 2017 public hearing, the BZA requested that the Office of Planning explain how the applicant's alternative condition identified on page 28 of Exhibit 114 would be implemented and whether a campus plan for this charter school would be triggered.

1. Condition:

At the public hearing, the applicant submitted the following condition:

"After Kingsbury departs the property and LAMB applies for a certificate of occupancy to occupy the entire building, LAMB shall demonstrate to DDOT and report to the Zoning Administrator that it is in compliance with the performance monitoring plan (PMP). If LAMB is not in compliance with the PMP plan, then LAMB shall not be granted a certificate of occupancy unless given approval by the BZA."

Subsequent to the public hearing, OP has worked with the applicant and representatives of the Committee of Neighbors Directly Impacted by LAMB (CNDI-LA) to further refine the condition to include notification of CNDI-LA:

"After Kingsbury departs the property, LAMB should notify CNDI-LA when they intend to apply for a Certificate of Occupancy to expand into the remainder of the building and increase the student and staff enrollment. LAMB shall demonstrate to DDOT and report to the Zoning Administrator that it is in compliance with the performance monitoring plan ("PMP") and demonstrate to the Zoning Administrator that it is in compliance with all other relevant conditions of approval. If LAMB is not in compliance with the PMP plan, and all other conditions are not met, LAMB shall not be granted a certificate of occupancy unless given approval by the BZA."

The following would be the steps taken to implement this condition:

1. The applicant will begin to implement their performance monitoring plan as outlined by DDOT in their November 1, 2017 report at page 4 "• Implement the following performance monitoring plan, as agreed to by the applicant:"
2. The applicant will submit annual reports starting one year after the occupancy of the building demonstrating how they are meeting the requirements of the performance monitoring plan.

3. After Kingsbury vacates the building, LAMB will be required to get a C of O to be able to occupy the vacated portion of the building and expand enrollment.
4. LAMB will notify CNDI-LA when they intend to submit an application for a C of O to increase the student enrollment and staff.
5. As part of the requirement for the issuance of a C of O to increase the student enrollment and staff, the applicant would be required to receive from DDOT a letter or statement stating that the applicant has provided the yearly reports and has met the requirements of the performance monitoring plan.
6. As part of the review for the granting of a Certificate of Occupancy, LAMB shall demonstrate to the Zoning Administrator that they meet all the relevant conditions of approval.
7. If LAMB is not meeting the requirements, DDOT would issue a letter stating that the requirements have not been met and LAMB would not be able to expand their student and staff.
8. The applicant could ask for review by the BZA if it is not permitted to expand.

CNDI-LA subsequently informed OP that they are not in support of this condition.

2. Campus Plan

The BZA requested information on whether a campus plan would be triggered for this charter school.

Subtitle X, Chapter 1 outlines three types of plans, Campus Plans; Medical Campus Plans and Private School Plan:

- CAMPUS PLANS regulate education use by a college or university.
- MEDICAL CAMPUS PLANS regulate a medical campus which may include hospitals, clinics, primary care offices, medical office buildings, nursing and convalescence care facilities, continuing care retirement community, related and shared parking and loading facilities, and ancillary retail and services that are customarily incidental to the uses.
- PRIVATE SCHOOL PLANS regulate education use by a private school.

Public and charter schools do not fall into any of the categories above and therefore a campus or school plan is not required. Public and charter schools are permitted as a matter-of-right in all zones except that a charter schools requires a special exception in the R-16 zone.