

January 9, 2018

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 Final Conditions of Approval

Dear Chairman Hill and Members of the Board:

On December 20, 2017, the Board held a limited continued 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. At the public hearing, the Board requested that the Applicant and CNDI-LA (the party in opposition) collaborate on a set of conditions and that the Applicant file a final set of proposed conditions. The 35 proposed conditions, attached as Exhibit A, result from collaboration with CNDI-LA since the public hearing and are the final conditions to which the Applicant will agree.¹

The Applicant and CNDI-LA are in agreement on the majority of the conditions, and disagreement is limited. The Applicant and CNDI-LA agree on **all** of the attached conditions **except** the following:

- Conditions 2, 3, 7, 9, & 10 (Kingsbury School Inclusion). The parties disagree on only one concept in these conditions. CNDI-LA would like these conditions to apply to the Kingsbury School as well as to LAMB. LAMB does not agree to the inclusion of the Kingsbury School in these conditions because LAMB and Building Hope do not have the legal authority to obligate the Kingsbury School to any conditions in a case to which it is not a party. In addition, LAMB cannot be responsible for any obligations of a different school over which it has no authority. Finally and most importantly, the Kingsbury School is already governed by its own BZA Order and set of conditions (Order

¹ A redlined version of the final conditions is attached as Exhibit B to show CNDI-LA’s input.

Nos. 16569 and 16569A). Except for the issue of the inclusion of Kingsbury School, the parties are in agreement on these conditions.

- Condition 2 (Piney Branch Road Exit). CNDI-LA would like the gates on Piney Branch Road to be for only faculty and staff exit. The Applicant agrees that these gates will be for exit only but needs them to be usable by everyone, as is currently the practice. As stated at the public hearing, the Applicant's DDOT-approved circulation plan includes exits from the school onto Piney Branch Road to accommodate some drivers heading northbound.
- Conditions 10, 28, & 30 (Return to BZA). The disagreement in these conditions concerns whether LAMB must return to the BZA for approval to increase its student population to 600. As the Applicant described in its last pleading and at the public hearing (with supporting documentation from a lender), LAMB cannot agree to returning to the BZA for approval to increase the student count because it makes financing infeasible due to public charter schools funding by a per-student allotment. Instead, the Applicant has agreed to "alternate" condition no. 30 in order to accomplish the same goals of ensuring accountability, demonstrating compliance with 34 other conditions, and notifying CNDI-LA before it can receive a Certificate of Occupancy to increase the student count. Certainly, the Applicant would not have agreed to so many other conditions if a return to the BZA were required. Both the Office of Planning and ANC 4C support this "alternate" condition no. 30.

The Applicant has worked diligently with the community and committed to an extraordinary 35 conditions to make it accountable to the community and to mitigate potential impacts concerning traffic, parking, light, noise, school fundraising, construction, and other matters. The proposed conditions demonstrate broad compromise and reflect input and concerns from all stakeholders, including DDOT, ANC 4C, OP, CNDI-LA, and LAMB parents. The proposed conditions far exceed what other schools have typically agreed to in similar BZA cases throughout the District. The result is an unusually comprehensive set of governing rules that bind LAMB and provide the safeguards sought by CNDI-LA.

LAMB looks forward to the Board's vote on January 17th and requests that the Board approve the application as filed with the proposed attached conditions.

Sincerely,

/s/ _____
Cary R. Kadlecek

Attachments

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 9, 2018, copies of the Applicant's cover letter and final proposed conditions were delivered via email to the following:

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

Aaron Zimmerman
District Department of Transportation
aaron.zimmerman@dc.gov

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