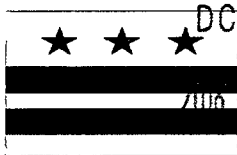


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DC OFFICE OF ZONING

ADVISORY NEIGHBORHOOD COMMISSION 8A

Government of the District of Columbia
Fairlawn/ Historic Anacostia/ Hillsdale/ Sheridan

September 18, 2006

Government of District of Columbia
Board of Zoning Adjustment
Office of Zoning
441 Fourth Street, NW, Suite 210
Washington, DC 20001

RE: ZC Case 06-06 "Charter School Text Amendments"

At our September 5, 2006 meeting, the Advisory Neighborhood Commission (ANC) 8A voted (notice which was properly given and at which a quorum of six of seven was present) unanimously to support a motion from Commission Hudson requesting that ANC 8A oppose to recommend that the Zoning Commission delete the language from the Charter Schools Text Amendments (Z.C. Case No. 06-06) that exempts public schools (DCPS and charter) with 16 or fewer students from the new lot dimensions requirements specified by the text amendment. This proposed provision is unacceptable, as it allows the siting of schools 1) without the opportunity for public input, 2) without review by any entity accountable to residents/voters 3) without the evaluation of the suitability of specific institutions for specific locations 3) without any criteria that addresses suitable lot dimensions for siting small schools in residential neighborhoods or mitigation of adverse effects from noise, traffic and parking, and 4) without consideration of the cumulative effect of multiple institutions in close proximity.

In their testimony to the Zoning Commission on July 10, 2006 the OP states as regards the initial February 13 text amendment language *"As stated in a previous report, the proposed regulations were specifically designed for small neighborhood oriented schools. Obviously, larger schools would need much more land area and loading than that required by the proposed test. These large schools will continue to be largely self-monitored and for practical reasons tend to locate in buildings designed as schools or multi-purpose buildings. It is the smaller schools otherwise able to locate in residential buildings and in close proximity to residential home that are meant to be regulated by the new language"* The Office of Planning's own testimony clearly shows that, when they propose matter of right siting of small schools, they are circumventing the intent of the original February 13 rule making. As the Office Planning states, the purpose of that rule making is to regulate small schools that are apt to insert themselves into residential neighborhoods. In our view, this is arguably the most important aspect of the original text amendment.

ZONING COMMISSION
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CASE NO. 06-06
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 93
CASE NO. 06-06
EXHIBIT NO. 93

It is incorrect to assume that small schools which seek to "*locate in residential buildings and in close proximity to residential homes*" will not adversely impact residential neighborhoods and therefore should have matter of right placement. Schools of all sizes present heavy burdens on residential communities. Increased traffic and parking needs, congestion due to the drop off and pickup of students, increased noise and pedestrian traffic throughout the hours of operation which may extend to evening hours, and other adverse effects on the quality of life are all of significant concern. No other facilities that create similar burdens on the community, such as stores, offices, and private schools, are allowed to locate in a residential community as a matter of right. That a school is public rather than private in no way relieves the burden of its presence

The Office of Planning also recommends that "*..the standard of 16 students currently used for matter of right childhood development centers in R-4 and higher districts be applied to all public schools* " When they based their recommendation on the standard of childhood development centers in R-4 districts, they failed to recognize that charter schools in the District of Columbia include students of all ages from early childhood through high school to adult education as well as boarding schools. The recommendation does address the degree to which the impact of these different types of schools will vary. Clearly, a facility for 16 pre-school children will not have the same impact as one for 16 teenagers or adult students.

The recommendation also ignores the need to regulate uses differently by zoning district. If the language is adopted, it will negate current zoning regulations that require a special exception for a childhood development center with 16 or fewer students in the R-1, R-2 and R-3 districts. No evidence or testimony has been presented to show that there is no longer a need for a special exception in those zoning districts.

In addition, the proposal fails to address the cumulative effects of multiple schools within a neighborhood, which can quickly overburden public serves, such as police, fire, trash, and ambulance services, and traffic management, to say nothing of their deleterious effect on peace, order and quiet. With the number of charter schools increasing each year, this will inevitably increase the total number of facilities that choose to locate in our residential neighborhoods. The proposal provides no safeguards against over concentration, such as those in the existing zoning regulations for R1-R3 zoning districts (DCMR 11, Ch 2, §205.8). The impact of two or three 16 person facilities within a block or two of each other would be indistinguishable from that of a single 32 or 48 person facility. Yet this scenario is not addressed at all by the Office of Planning's proposal

The proposal to exempt small schools from the lot dimension requirement, treats DCPS schools differently from charter schools despite the Zoning Commission's stated intent to treat DCPS and charter schools equally in the zoning regulations. When the DCPS proposes new locations for schools, of any size, they are accountable to citizens/voters through the oversight of the School Board and the City Council. These entities provide a vehicle for public input on the siting of all DCPS schools. By contrast, independent charter school organization's would be free to locate some schools free from oversight of

any entity that is accountable to citizens/voters. This creates an unequal playing field for DCPS schools and charter schools.

It is for these reason that we ask the Zoning Commission to the remove, from the text amendment, the language that exempts public schools with 16 or fewer students from the new lot dimensions requirements specified by the text amendment. The ANC 8A is not opposed to development. We represent long-term residents in our area that have worked hard to maintain and improve our neighborhoods

Sincerely,



LaTasha Hudson
Commissioner 8A04