

June 11, 2006

Zoning Commission
c/o Secretary of the Zoning Commission
Office of Zoning
One Judiciary Square
441 4th Street NW, Suite 210S
Washington, DC 20001

2006 JUN 12 PM 2:26

DC OFFICE OF ZONING

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RE: Charter Schools Text Amendment (Case No. 06-06)

Dear Zoning Commissioners:

This letter formally summarizes my oral testimony before the Zoning Commission on May 11, 2006 on behalf of the Northeast Neighbors for Responsible Growth (NNRG) in support of the proposed text amendment referenced above (Case No. 06-06). The NNRG represents approximately 100 concerned citizens living in the area north of Lincoln Park in an historic, residential area in Washington, D.C.

You should have in the records of these proceedings a letter dated April 26 from the NNRG's President Herb Faling. That letter outlines specific concerns of the NNRG with respect to a proposed charter school siting at a property located at 136/138 12th Street, N.E. Consistent with the Commission's request that hearing testimony avoid addressing the specifics of any particular zoning dispute, my comments as summarized in this letter draw on the recent experience of NNRG's members with the 12th Street property but address the broader issues raised by the proposed text amendment.

The NNRG strongly urges the Commission to adopt the proposed text amendment and, if possible, to strengthen the amendment to provide even greater protections to citizens who have chosen to live in residential areas of the District. The proposed text amendment before the Commission would clarify the treatment of public charter schools under the District's zoning regulations and require special exemptions for public schools attempting to locate in residential areas that do not meet certain lot area, lot width, FAR, and lot occupancy requirements.

The proposed text amendment is straightforward and reasonable. It carefully balances the needs of public schools and the students they seek to serve with the interests of neighbors who have chosen to live and raise their families in the District. At its core, the amendment embodies a basic principle of fairness: that all public schools, private schools, and public charter schools must respect the neighborhoods in which they are seeking to locate or expand operations. All schools must follow a process. And that process must include some level of community input to ensure that the character of the neighborhood is preserved, that the safety of families who live in the neighborhood is

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considered, and that traffic, noise, pollution, and other potential impacts be given due consideration.

It is especially important that these neighborhood impact considerations be given weight through a special exemption process where schools are attempting to locate or expand on a small piece of property in a residential neighborhood. In particular, we strongly believe based on our own experience that locating schools in predominantly residential areas with little or no setback from neighboring properties, limited street space or alley space for student pick-up and drop-off, and limited space for off-street parking poses the most significant potential for harm to adjacent residences. When some or all of these conditions are present, a special exemption process is clearly appropriate. This is precisely the type of situation the proposed text amendment seeks to address.

We applaud the Commission for putting in place this amendment on an emergency basis. Until these reasonable standards were in place, for example, the charter school seeking to locate in our historic residential neighborhood had drawn up extensive architectural plans without any community involvement and claimed that the demolition, construction, renovation, and substantial expansion of a property located in the middle of a block of historic residential row houses could be done "by right." It is only because of the actions of this Commission in adopting the proposed text amendments on an emergency basis and considering making them permanent that charter schools are accountable for zoning issues. Therefore, we encourage you to make the text amendments permanent so that neighbors potentially affected by such charter schools have a real voice in the proposed building and location plans of charter schools.

Finally, we also wish to briefly address some of the erroneous, misleading, or non-responsive claims made by some charter school proponents during the Commission's hearing last month. First, we note that many of those opposed to the proposed text amendment spent the bulk of their testimony making the case for the educational benefits of charter schools. Yet, the merits of a charter school education are not before this Commission; instead, the Commission is considering the appropriate level of oversight and zoning requirements that charter schools and other public schools must follow when they seek to locate or expand relatively small properties in dense residential areas. In fact, most of the proponents of charter schools who came before the Zoning Commission last month did not dispute the fact that there are no reasonable standards or process currently in place for public charter school zoning.

Other opponents of the proposed text amendments sought to make the claim that charter schools already must comply with sufficient oversight by District bodies. However, it is factually indisputable that no body other than this Commission has the authority to hold charter schools accountable for meeting zoning requirements. For example, the District of Columbia Charter School Board does not concern itself with zoning matters or the impact of charter schools on District neighbors or neighborhoods. Instead, that Board

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focuses upon issues relating to whether the organizations seeking to operate charter schools have sufficient experience and resources to meet their educational mission, and whether students are in fact receiving an education that meets those standards. As a result, their authority extends solely to educational matters, not zoning matters. They are concerned with the welfare of students and potential students, not the impact on District residents living in areas that may potentially be affected by the siting of a charter school. In our own situation, the Charter School Board has been alternately unresponsive and unsympathetic to any concerns raised by the NNRG or its members.

In fact, the D.C. Public Charter School Board's application form contains no requirements with respect to zoning. Applicants are required to submit relatively cursory information about community involvement. The application guidelines state in relevant part: "Describe the relationship your school intends to build with *community agencies and organizations that serve children and youth who attend your school*. Discuss any commitments you have for partnerships or other relationships with community organizations or individuals *that would enrich the learning opportunities of students in your school*. 2006 Charter School Guidelines posted at <http://www.dcpubliccharter.com/forschool/applicationinfo/06guideline.htm> (emphasis added). As you can see, these guidelines make no mention of community input from private property holders adjacent to a proposed charter school, or the surrounding community. They speak only to the potential involvement of organizations that may enhance the educational component of a school.

Additionally, the D.C. Public Charter School Board's guidelines require applicant charter schools to provide an explanation of "how this site would be a suitable facility for the proposed school, including any plans to renovate." Again, there is no requirement for community involvement. Nor do these guidelines contain any express or implied requirement that the site and any proposed renovations meet applicable zoning standards or that there be any consideration given to the impact of such on the surrounding community.

Finally, we note that those organizations organized to preserve the character of our Capitol Hill community and those designed to ensure that there is adequate public and community input into issues which impact local neighborhoods have clearly spoken in favor of the text amendment, including the local Advisory Neighborhood Commission and the Capitol Hill Restoration Society.

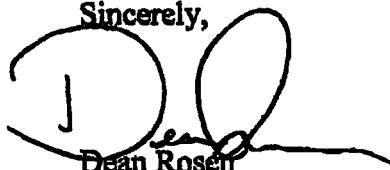
In summary, the NNRG supports the proposed text amendment and urges the Commission to adopt it. The amendment outlines a balanced framework for assessing the impact of public schools on residential areas and ensuring that there is appropriate community input through a special exception process when public schools seek to locate or expand on small non-traditional sites in predominantly residential locations in the

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District. Notwithstanding the arguments of opponents of the proposed text amendment, there is no adequate process currently in place to protect the interests of private property owners adjacent to proposed public charter schools.

I appreciate the opportunity to provide these additional written comments summarizing my earlier testimony. Please feel free to contact me or NNRG President Herb Faling should the Commission or its staff have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Rosen', with a large loop at the end.

Dean Rosen

On behalf of
Northeast Neighbors for Responsible Growth

**MEHLMAN VOGEL
CASTAGNETTI INC**

FACSIMILE COVER PAGE

TO: Secretary of the Zoning Commission

FROM: Dean Rosen

DATE: 6/12/06

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RE: Charter Schools Text Amendment

Fax Number: 202-727-6072

TOTAL PAGES INCLUDING COVER:

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