

Inside...

News & Features

SEED school stirs community	4	Rent control moves forward	7
Peace pole erected on E.Cap.	4	House & Garden tour	14
DCRA shuts down illegal condos	5	Dart players making a point	15
Council puts heat on Angelos	6	Sheeler feted at NGA	16

Departments

HillDesk	3	Editorials	12	Armchair Movie Review	17
Citywide	6	Tom Sherwood	12	Art & Stage	18
Police Dispatch	8	Cartoon	12	Service Directory	19
In Business	9	Hearth & Home	16	Community Calendar	22

hilldesk

AppleTree denied building permits

BY BEN WEINSTEIN

The AppleTree charter school was denied building permits on April 28 because the school's Northeast lot does not conform to new zoning requirements for public schools in residential areas.

City zoning administrator Bill Crews denied AppleTree's application for building permits based on recent amendments to the city's zoning code for public schools in residential areas. The amendments, which went into effect in February, say charter schools can be built as a matter of right in residential areas, but the lot must be at least 9,000 square feet; AppleTree's lot, at 138 12th St., NE, is 4,230 square feet.

Additionally, the lot does not meet the minimum width or number of parking spaces required by the recently passed amendments.

Under the new rules, the Board of Zoning Adjustment must grant special exemption for public school lots less than 9,000 square feet in neighborhoods zoned R-2 through R-4.

The decision comes after a months-long dispute between Northeast residents and the Boston-based AppleTree Institute for Education Innovation. Neighbors argued that the proposed school would not fit in with the block's historic rowhouses and would sig-

nificantly increase traffic, noise and parking problems.

Those opposing the project also said that the organization had attempted to exploit a zoning loophole in order to sidestep regulations and avoid community input.

"AppleTree sort of became the poster child for bad site selection," Northeast Capitol Hill advisory neighborhood commissioner Cody Rice said, alluding to larger implications the AppleTree case might present for charter schools that wish to locate in residential areas. "The neighbors are not anti-charter school," Rice added, explaining that their opposition is "about an inappropriate site."

AppleTree said it was acting within city guidelines, which, before the rule changes, gave public schools matter-of-right status in residential zones.

AppleTree was "doing exactly what we were told by DCRA," said Ellen Oppen-Weiner, AppleTree's spokeswoman for the project, explaining that the Department of Consumer and Regulatory Affairs originally told AppleTree that it could build without special exemption.

In a letter AppleTree's representatives sent to Crews, the organization said its proposed project was still in compliance because the new rules do not supersede relevant guide-

lines of long-standing laws governing public school zoning. AppleTree said its plans comply with those pre-existing rules.

Before the Zoning Commission adopted the text amendments, residents argued that charter schools could not build in residential areas by matter of right because they do not fit the District's definition of public schools.

At that time, Crews put all charter school permit applications on hold until the city could define charter schools.

Then, the neighborhood commission and the Northeast Neighbors for Responsible Growth, a group formed to oppose the AppleTree project, proposed the rule changes for school lots in residential areas.

The Office of Planning drafted the 10 proposed amendments and sent them to the commission, which accepted two amendments on an emergency basis: defining charter schools as public schools and imposing the new minimum square footage requirement.

Oppen-Weiner characterized the new requirements as inconsistent, explaining that opposing groups first said the school would be too large for the neighborhood before they changed course and said it was not large enough.

"They said, 'We don't want little schools in our neighborhoods.' Now

CAPITOL HILL CURRENT and
VOICE
202 244-7223 Main Office
PO Box 15874
Washington, DC 20003

Co-Publishers
Davis Kennedy
daviskenedy@currentnewspapers.com
Bruce Robey
bruce@voiceofthehill.com

Staff
Patti Shea, Managing Editor
editor@voiceofthehill.com
David Francis, News Reporter
dave@voiceofthehill.com
Kevin Palmer, Design/Production
kevpalm@gmail.com
Julio Arguello, Calendar Editor
calendar@voiceofthehill.com

Correction

An editorial in the April 27 issue of *Voice of the Hill* incorrectly listed the street for the proposed AppleTree Charter School. The correct street is 12th Street, NE.

IT'S OK TO SAY "NO"

Stop giving to panhandlers...and don't feel guilty about it

Give them the "Giving Card"

The Capitol Hill BID is working to make the Hill a better place to live, work and visit. But giving money to panhandlers slows down the effort. A few cents may seem very little to you, but does more harm than good—especially to the panhandlers themselves.

When confronted by a panhandler, the most compassionate thing you can do is politely decline and keep walking.

If you want to give, give a "Giving Card" and support programs like the ones listed here.

Neighborhoods To Know
Hypertension Institute (202) 535-7223
Hypertension Institute (202) 694-4444
Comprehensive Psychiatric Emergency Program (202) 475-9129
DC Rape Crisis Center (202) 333-4999
House of Ruth, Domestic Violence Hotline (202) 347-3777
Washington Legal Clinic for the Homeless (202) 338-6009
Jenny to Work (Work Program) (202) 642-7131 ext. 209
Capitol Hill BID (202) 462-3333
202-349-1494

Capitol Hill
For countertop displays or packs of "Giving Cards" contact the BID office at 202-642-3333

...they're saying [AppleTree] isn't big enough," Oppen-Weiner said, adding that the consequences of the neighbors' actions could be that no charter schools will be allowed to locate in residential neighborhoods.

AppleTree has three likely options: appeal Crews' decision, seek special exemption from the Board of Zoning Adjustment or sell the property and find another site.

Oppen-Weiner said AppleTree has no comment about its plans.

AppleTree purchased the property last summer for \$1.5 million and intended to expand the two-story building for a 72-student pre-school. The organization since scaled down the project, proposing a 54-student school with 60 percent lot occupancy rather than the original 80 percent.

The Commission will vote on permanent charter school zoning rules May 11.

VOICE

 SearchLast update:
Thursday June 08, 2006 03:37 PM[Hill Talk](#)[Calendar](#)[Archives](#)[Advertise](#)[Interactive](#)[Newspaper](#)[Community](#)[Entertainment](#)[Maps, Etc](#)

AppleTree Denied Building Permits

BY BEN WEINSTEIN

The AppleTree charter school was denied building permits on April 28 because the school's Northeast lot does not conform to new zoning requirements for public schools in residential areas.

City zoning administrator Bill Crews denied AppleTree's application for building permits based on recent amendments to the city's zoning code for public schools in residential areas. The amendments, which went into effect in February, say charter schools can be built as a matter of right in residential areas, but the lot must be at least 9,000 square feet; AppleTree's lot, at 138 12th St., NE, is 4,230 square feet.

Additionally, the lot does not meet the minimum width or number of parking spaces required by the recently passed amendments.

Under the new rules, the Board of Zoning Adjustment must grant special exemption for public school lots less than 9,000 square feet in neighborhoods zoned R-2 through R-4.

The decision comes after a months-long dispute between Northeast residents and the Boston-based AppleTree Institute for Education Innovation. Neighbors argued that the proposed school would not fit in with the block's historic rowhouses and would significantly increase traffic, noise and parking problems.

Those opposing the project also said that the organization had attempted to exploit a zoning loophole in order to sidestep regulations and avoid community input.

"AppleTree sort of became the poster child for bad site selection," Northeast Capitol Hill advisory neighborhood commissioner Cody Rice said, alluding to larger implications the AppleTree case might present for charter schools that wish to locate in residential areas. "The neighbors are not anti-charter school," Rice added, explaining that their opposition is "about an inappropriate site."

AppleTree said it was acting within city guidelines, which, before the rule changes, gave public schools matter-of-right status in residential zones.

AppleTree was "doing exactly what we were told by DCRA," said Ellen Oppen-Weiner, AppleTree's spokeswoman for the project, explaining that the Department of Consumer and Regulatory Affairs originally told AppleTree that it could build without special exemption.

In a letter AppleTree's representatives sent to Crews, the organization said it's proposed project was still in compliance because the new rules do not supersede relevant guidelines of long-standing laws governing public school zoning. AppleTree said its plans comply with those pre-existing rules.

Before the Zoning Commission adopted the text amendments, residents argued that charter schools could not build in residential areas by matter of right because they do not fit the District's definition of public schools.

At that time, Crews put all charter school permit applications on hold until the city could define charter schools.

Then, the neighborhood commission and the Northeast Neighbors for Responsible Growth, a group formed to oppose the AppleTree project, proposed the rule changes for school lots in residential areas.

The Office of Planning drafted the 10 proposed amendments and sent them to the commission, which accepted two amendments on an emergency basis, defining charter schools as public schools and imposing the new minimum square footage requirement.

Opper-Weiner characterized the new requirements as inconsistent, explaining that opposing groups first said the school would be too large for the neighborhood before they changed course and said it was not large enough.

"They said, 'We don't want little schools in our neighborhoods.' Now ... they're saying [AppleTree] isn't big enough," Opper-Weiner said, adding that the consequences of the neighbors' actions could be that no charter schools will be allowed to locate in residential neighborhoods.

AppleTree has three likely options: appeal Crews' decision, seek special exemption from the Board of Zoning Adjustment or sell the property and find another site.

Opper-Weiner said AppleTree has no comment about its plans.

AppleTree purchased the property last summer for \$1.5 million and intended to expand the two-story building for a 72-student pre-school. The organization since scaled down the project, proposing a 54-student school with 60 percent lot occupancy rather than the original 80 percent.

The commission will vote on permanent charter school zoning rules May 11.