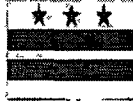


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

**Building and Land Regulation Administration
Office of the Zoning Administrator**



October 25, 2001

Milton Shinberg
4733 Bethesda Avenue
Suite 550
Bethesda, Maryland 2081

Re: Charter Schools

Dear Mr. Shinberg:

Pursuant to section 201.1, DCMR Title II the Zoning Regulations, Public Schools are allowed as a matter of right from the R1B Zone District.

Consequently, in an R-5-B Zone District, a less restrictive Zone District, public school use is also permitted as a matter of right under the Zoning regulations of the District of Columbia, and such use may be re-established without the need for review or approval of the District of Columbia Board of Zoning Adjustment.

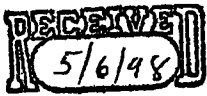
Under the Zoning Regulations of the District of Columbia, a District of Columbia approved charter school is treated as a "public school" for the purposes of applying the Zoning Regulations of the District of Columbia.

If you have any questions, please contact me.

Respectfully,



Toyé Bello, Chief
Zoning Review/Office of the
Zoning Administrator



JMR

CABLE ADDRESS WILAN
FAX 202-457-7814

WRITER'S DIRECT DIAL

WILKES, ARTIS, HEDRICK & LANE

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WALDORF, MARYLAND

May 6, 1998

BY HAND

Ms. Gladys Hicks
Acting Zoning Administrator
Room 333
614 H Street, N.W.
Washington, D.C. 20001

Re: Use of 1851 9th Street, N.W. as a Charter Public School

Dear Ms. Hicks:

This is to confirm our review of the provisions of the Zoning Regulations (Title 11, DCMR) applicable to the proposed re-use of the building at 1851 9th Street, N.W., known as lot 874 in Square 394. The subject property is located at the southeast corner of the intersection of 9th and T Streets, N.W., and is in an R-4 District. The property is improved with a four story plus cellar building, containing approximately 29,000 square feet, currently unoccupied.

The proposed use of the building is to house the Maya Angelou Charter Public School, a public school chartered by the District of Columbia Public Charter School Board. The school would be a high school with a maximum capacity of approximately 100 students and a maximum of approximately twenty teachers on the premises at any one time. The school would operate on a twelve month schedule, with daily operations from approximately 8 A.M. to 9 P.M. The school would provide hands-on education and training in skills to enable graduates to go on to college or obtain jobs. Note that all the operating capacities and assumptions are approximate and details still remain to be determined. Graduates of the school will receive a diploma from the District of Columbia Public Schools.

The building will contain classrooms, an auditorium/theater, an exercise/physical training room, a cafeteria and kitchen also to be used for a student operated restaurant, resource facilities (including computer centers), administrative and faculty offices, a day care center exclusively for the children of students, faculty and staff of the school and boarding facilities for approximately twenty students.

Ms. Gladys Hicks
May 6, 1998
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The facilities will also be available on an incidental and secondary basis to community residents, as are most public schools.

We agreed that a charter school is a public school for the purposes of the Zoning Regulations and that the child development center is an accessory use to the school. Pursuant to §201.1(k), a public school is a use permitted as a matter-of-right in an R-1 District, subject to compliance with the provisions of Chapter 21 (the parking requirements). By carryover provisions, the use is therefore permitted as a matter-of-right in an R-4 District. We determined that one certificate of occupancy should cover the "charter public school, grades 9 through 12, 100 students, 20 teachers, 20 boarders." We further determined that a separate certificate of occupancy should cover the "child development center (accessory to the charter public school), ages 1 through 4, 20 students, 6 teachers and staff."

With respect to the parking requirements, the building was built prior to May 12, 1958. Pursuant to §2100.4, when the use of a building is changed, parking is required in the amount of the number of additional spaces for the new use as compared to the requirement for the previous use. For a high school, pursuant to §2101.1, parking is required at the rate of "2 [spaces] for each 3 teachers plus either 1 [space] for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater." For a child development center, parking is required at the rate of 1 space for each 4 teachers or other employees. We determined that the boarding students would require no additional parking spaces, since they are part of the school and would be double-counted if separate parking were computed for the boarding students.

The most recent uses of the building, per the certificate of occupancy records, were a public hall (#B114609, all floors), a day care/elementary school (#B134930, 3rd and 4th floors), a child development center (#B142952, basement and 3rd floor) and office (#B158459, 2nd floor). The parking requirement for these uses would be determined based on the regulations, with the requirement for the public hall based on "1 [space] for each 10 seats of occupancy capacity for the first 10,000 seats ... Provided that where seats are not fixed, each 7 square feet usable for seating ... shall be considered 1 seat." Subject to the exact calculations to be done, and assuming that the total number of parking spaces required for the previous uses exceeds the number required for the school plus the child development center, the building would comply with the parking requirements.

WILKES, ARTIS, HEDRICK & LANE
CHARTERED

Ms. Gladys Hicks
May 6, 1998
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We would appreciate your confirming this analysis by signing a copy of this letter below and returning it to us. Thank you for your consideration and assistance. Feel free to call if you have any questions.

Sincerely,



Steven E. Sher
Director of Zoning Services

Confirmed as complying
with the Zoning Regulations,
in accordance with the
discussion set forth herein:


Gladys Hicks
Acting Zoning Administrator

5/6/98
Date