

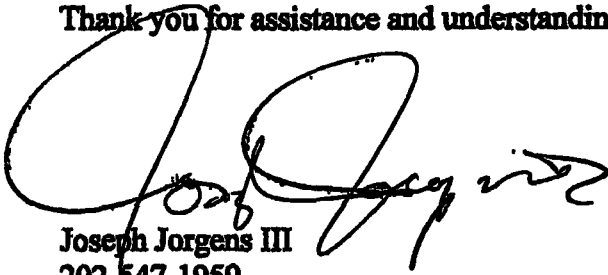
Ms. Carol Mitten, Chair
Zoning Commission
Department of Consumer and Regulatory Affairs

Re: Proposed changes to zoning regulations concerning Charter Schools

Please excuse my lateness in presenting the attached documents. I was hoping to be at the hearing this evening and provide the accompanying written information, but find my schedule will no longer permit my attendance.

Therefore, if possible, could you please waive the pertinent rules and reopen the file for this late filing.

Thank you for assistance and understanding.



Joseph Jorgens III
202-547-1959

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2006 JUN 13 AM 8:23

ZONING COMMISSION
District of Columbia

CASE NO. 06-06

EXHIBIT NO. 57

ZONING COMMISSION
District of Columbia
CASE NO.06-06
EXHIBIT NO.57

Ms. Carol J. Mitten, Chair
Zoning Commission
Department of Consumer and Regulatory Affairs
941 North Capitol Street NE, Room 2000
Washington, DC 20002

6/6/06

Re: Proposed Changes to Charter School Zoning

Dear Ms. Mitten:

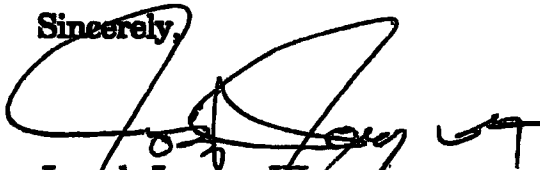
I support the implementation of the proposed changes to the Charter School Zoning. I live three doors south of the proposed Appletree Charter School at 138 12th Street, N.E. It is clear that not having appropriate zoning control in place would allow incredible intrusion upon quiet residential neighborhoods by Charter Schools.

Your proposed changes provide reasonable minimum basic size and structure requirements. Without said minimum requirements, all residential neighborhoods in the entire District of Columbia would be faced with the possibility of a Charter School purchasing and establishing, as in the Appletree's proposed plan, a 70 child Charter School in anyone's townhouse in the city!

Just the thought of the possibility that any resident's next door townhouse could be turned into an essentially unlimited sized Charter School is on its face, ludicrous, and in practicality, without your proposed changes, a disaster for D.C. neighborhoods.

Please implement your proposed changes.

Sincerely,



Joseph Jorgens III
130 12th Street, NorthEast.
Washington, D.C. 20002
202-547-1959

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142 12th. St. NE
Washington, DC 20002
June 9, 2006

Ms. Carol J. Mitten, Chair
Zoning Commission
Department of Consumer and Regulatory Affairs
941 North Capitol Street NE, Room 2000
Washington, DC 20002

Re: Proposed Changes to Zoning Laws

Dear Ms. Mitten:

Thank you for providing interested citizens an opportunity to submit written comments regarding proposed changes in the zoning regulations pertaining to charter schools. I am an interested party since I own property adjacent to and sharing a party wall with a proposed charter school. I urge you to protect the rights of residents by rejecting any action that authorizes unrestricted "matter of right" privileges to charter schools.

Charter schools are claiming an unrestricted "matter of right" to site schools in any location in the District of Columbia. Public schools, clearly afforded a "matter of right" in the zoning regulations, are nonetheless subjected to numerous restraints and requirements when siting schools by the District of Columbia Board of Education. These restrictions and requirements provide protection to nearby property owners and ensure the safety of the school children. Providing an unrestricted "matter of right" to charter schools will preclude any neighborhood protection.

Prior to the emergency amendment, section 199 of the District of Columbia Municipal Regulations, page 1-20, defined a public school as "*a building operated and maintained by the District of Columbia Board of Education for educational purposes and such other community uses as deemed necessary and desirable.*" A charter school owned and operated by an independent organization clearly did not meet this zoning regulation definition and should never have been afforded the rights and privileges provided to public schools.

In addition to being owned and operated by private, often for-profit entities, charter schools differ in other ways from traditional public schools. They set their own curriculum; hire and fire employees (who are not public employees); establish budgets and expend funds independently; lease or own their physical structures; monitor their own operations; and may cease using the facility for a school at will. They are in effect private schools that contract with the City and should be subjected to all the zoning requirements of private schools.

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The charter school boards do not function or have the same responsibilities as public school boards. They do not hire and fire employees of charter schools, set no curriculum and provide limited oversight. They, in fact, function not as school boards but as contracting authorities. The board members of the DC Public Charter School Board (DCPCSB) are not even required to be residents of the District of Columbia. The charters they provide are nothing more than contracts on behalf of the District of Columbia with private (charter) schools whereby the school provides educational services to a specific number of children and the tuition for these children is paid by the taxpayers of the District of Columbia.

Although much has been said about some charter schools serving disadvantaged, minority children, I understand that according to the contract these charter schools have with the City, they must accept any child from the District on a first come, first serve basis, lottery or some other unbiased method. There are no need-based requirements. If the school is not filled, non-resident children may be accepted. Unlike public schools, however, there is no requirement to serve the children of the neighborhood where the school is located. Schools chartered by the DCPCSB may target outreach to any group or section of the City. It is not clear whether any disinterested party monitors the selection of applicants to ensure equitable treatment.

In addition to the DCPCSB, the Board of Education Charter School Board under the auspices of the DC School Board charters schools. I understand that the schools chartered by the Board of Education Charter School Board are primarily co-located in existing public schools or are in former public school buildings, with perhaps some located in churches. According to the DC Board of Education Charter School Board, a school proposed for a location not currently or formerly used for educational purposes would have to meet siting requirements similar to the those required for any public school. These include space, parking and recreational requirements. Neighbors are notified and provided an opportunity for comment.

The application form and evaluation criteria used by the DC Public Charter School Board is on its website. The application process requires identification of the proposed site and some assurance that the school meets building codes, but no attention seems to be given to the impact placement of the school will have on the neighborhood. According to the information on that website, there are no requirements to contact neighbors, to address any negative impact the school may have on the neighborhood, or to provide adequate parking and playground facilities.

Contrary to information presented at the hearing last month, Appletree Institute did not initiate contact with neighbors regarding its plans for property at 138 12th St. NE. A few months after the property was sold, I learned that a charter school had purchased the property. I spent considerable time trying to find out who had purchased the building and to learn if placement of a charter school in this location was planned. I contacted both charter school boards. I was told that the DC Board of Education Charter School Board would never consider placement of a charter school in this location. The DC Public Charter School Board (DCPCSB), however, confirmed that they planned to charter a school on our street. When I asked for a copy of the application, I was told there was none.

After finding out the name of the corporation, I personally contacted Appletree and learned that no adjacent property owners had been contacted. I was then told that Appletree would like to meet with the neighbors but I understand Appletree failed to provide any plans or written

information or invite neighbors to a meeting. I understand some incomplete plans were provided the day of the hearing before the Advisory Neighborhood Commission meeting. Neighbors attended and expressed strong objections to Appletree's proposal. We were also told by the DCPCSB that since Appletree already was chartered for one preschool program, they would not need to have an in-house hearing on any subsequent charter school.

It is inconceivable that private organizations should be permitted unrestricted rights for non-conforming uses that will likely destroy the very essence of neighborhoods and cause irreparable financial and quality of life damage to others. Putting a school on a small lot in the middle of a residential street of row houses, sharing party walls with two houses, providing scant parking and playground facilities, adding a huge addition that practically covers a small lot, blocking views and air flow for neighboring houses shows a blatant disregard for the rights of others by this private group.

For zoning purposes, charter schools should be considered private schools and required to meet all zoning requirements for private schools. If, however, you designate them as public schools, sufficient zoning restrictions should be placed on them to ensure the rights of others.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ilene Blinick", with a stylized flourish at the end.

Ilene E. Blinick