

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Dia Black, 02-Deborah Jane Lindeman, 03-Stephanie Zobay 04-Avram Fechter, 05-Bruce Beckner, 06-Trudy Reeves 07-Sheila Hogan, 08-Catherine May, 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20008 TEL 202/232-2232 • FAX 202/232-0667 Email anc3cmail@gmail.com Listserv http://groups.yahoo.com/group/anc3cgroup Website http://www.anc3c.org

September 6, 2006

Ms. Sharon Schellin
 Zoning Commission
 One Judiciary Square
 441 4th Street, NW
 Washington, DC 20001

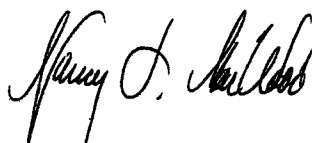
**Re: ANC 3C Resolution 2006-40 regarding Text Amendments to
 Title 11 to Allow Charter Schools to Locate in Specified Zones
 as a Matter of Right**

Dear Ms. Schellin,

At the regularly scheduled meeting of ANC 3C on August 21, 2006, the commissioners passed a resolution regarding text amendments to Title 11 to allow Charter Schools to locate in specified zones as a matter of right. The vote was 7-0. A proper quorum was present (7 out of 9 commissioners were present).

Thank you for your consideration of ANC 3C's opinion on this matter. If you have any questions, please feel free to contact me, Commission Chair, at (202) 966-5333 or nmacwood@aol.com.

Sincerely,



Nancy J. MacWood
 Chair, ANC 3C

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Enclosures

**ZONING COMMISSION
 District of Columbia**

CASE NO. 06-06
 ZONING COMMISSION
 District of Columbia
 EXHIBIT NO. 11
 CASE NO. 06-06
 EXHIBIT NO. 71

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Resolution No. 2006-40 **Regarding Text Amendments to Title 11 to Allow Charter Schools** **to Locate in Specified Zones as a Matter of Right**

WHEREAS the Zoning Commission has given notice in August 18, 2006 DC Register that they intend to amend Title 11 DCMR (Z.C. Order No. 04-33; Z.C. Case No. 04-33) so as to change the definition of "Schools, public" to

- include charter schools,
- amend the building height, lot area, lot width, and lot occupancy requirements for public schools in Residence Districts,
- exempt public schools with 16 or fewer students from the lot dimension requirements,
- permit charter schools (and other public schools) to locate in Residence Districts as a matter of right on lots meeting proposed lot dimension requirements,
- allow co-location of school uses with other uses and sharing of recreation facilities,
- permit schools in Residence Districts not meeting the proposed requirements to be allowed as a special exception,
- amend FAR limits for public schools in Commercial Districts, and
- create parking standards for preschools; and

WHEREAS Advisory Neighborhood Commission 3C (ANC 3C) on April 19, 2006 approved a Resolution No. 2006-021 opposing the proposed Text Amendment to permit location of charter schools in Residence Districts as a matter of right based on lot dimension due to the lack of public and neighborhood input into school siting decisions and the potential adverse impacts on neighborhoods, but has yet to receive a written response from the Zoning Commission on each of the Resolved provisions as is required by DC law, particularly the ANC Amendments of 2000, and

WHEREAS the Zoning Commission has not held public hearings on the proposed exemption from the proposed lot dimension requirements for schools with 16 or fewer students, nor on the addition of provisions affecting the lot dimension requirements; and

WHEREAS the proposed amendments would

- allow a school to aggregate adjacent properties, including properties separated by an alley, under their ownership to meet the lot dimension requirements;
- allow a school to include corner street frontage or through lot street frontage measurements to meet the proposed minimum lot width requirement;
- use the less restrictive proposed lot dimension requirements if the school is located on a split zone property and was in existence as of February 13, 2006;
- raise the allowable FAR from 1.0 to 1.8 when building a school in a C-1 Commercial District;

-raise the off-street parking requirements for pre-elementary and pre-kindergarten schools or facilities from 1 for each 4 teachers and other employees to 2 for each 3 teachers and other employees, and

WHEREAS there are 136 traditional public elementary, middle, junior high, and high schools operating in the District and 51 charter schools with legislative authorization for 20 new charter schools annually; and

WHEREAS there are no restrictions on the number of schools that can locate in a Residence District nor on how many schools that could locate on a block or in a neighborhood; and

WHEREAS the location of even one new school in a Residence District without appropriate planning and consideration of neighborhood conditions can have significant adverse effects on the quality of life in the affected Residence District; and

WHEREAS there are no requirements that the concerns of neighbors, community organizations, or ANCs regarding the adverse impacts of locating a new school in an area or on a specific property be considered in granting charters or locating new charter schools; and

WHEREAS there is no consideration given to the number of schools, public and private, that may already exist in close proximity to one another and that as a result may already be negatively affecting the quality of life of residents; and

WHEREAS both the District of Columbia Board of Education and the DC Public Charter School Board, which authorize applicants to operate a charter school, do not routinely and aggressively seek public comment or hear testimony on the potential adverse neighborhood or community impacts of the proposed location of an applicant school, and

WHEREAS neither the District of Columbia Board of Education nor the DC Public Charter School Board considers the impacts of the proposed new school on the surrounding neighborhoods or considers the number of existing schools close to the location of the proposed school as criteria for approving or disapproving the application for a charter school.

THEREFORE BE IT RESOLVED that ANC 3C continues to urge the Zoning Commission to require all charter schools seeking new locations to locate in Residence Zones only by special exception so that residents, community organizations, and ANCs can have their concerns related to adverse impacts considered and given great weight;

BE IT FURTHER RESOLVED that ANC 3C opposes altering the zoning regulations in Residence Districts to allow matter of right location of charter schools because

- the current proposals if implemented could significantly change the residential character and quality of these Districts;
- the allowance for the accumulation of adjoining residential property to meet the lot area and width requirements could destabilize a residential block or area and;
- the allowance provided to meet the proposed width requirement by aggregating pass through lot frontage does not consider whether the frontage is accessible for a school and thus, would be a reasonable location for proposed pick-up and drop-offs, nor does it consider existing traffic conditions or access to public transportation;
- the lack of limits on the number of schools that could locate in a residential neighborhood or area leaves a residential area unprotected from adverse impacts that would diminish quality of life;
- the waiver of adhering to the less restrictive requirements on a split-zoned lot is arbitrary and does not consider the nature of each zone or the adjoining property uses or scale;

-the exemption for 16 or fewer students from lot dimension requirements is also an arbitrary expansion of a rule designed for child development centers that do not have the same impacts as do older children or adult education facilities;

-the current process for chartering new schools does not protect communities nor does it give them the same access to due process that is available to residents when the District of Columbia Board of Education considers locating a new traditional public school;

-more than 50 charter schools have opened in the District in the last 10 years, which has expanded the number of public schools in the District by more than 45% and there is no reason to expect this number not to grow each year and yet, there is no citywide plan for where this expansion should occur, other than the proposed regulations that seem to encourage unbridled expansion of schools in residential neighborhoods;

-the nearly doubling of FAR in C-1 Commercial Districts should be closely examined through the hearing process to determine the impact on adjoining residential properties and whether additional requirements should be associated with this proposed allowance;

BE IT FURTHER RESOLVED that ANC 3C urges the Zoning Commission to rescind the authorization of these provisions and to reevaluate whether and to what extent some or all of these proposals are using land use rules to make education policy or whether and how some or all of the proposed provisions further the goals of land use in the affected zone districts;

BE IT FURTHER RESOLVED that ANC 3C calls upon the Zoning Commission to give this resolution and the resolution adopted on April 19, 2006 on this same subject matter the "great weight" required by DC law and to respond to each point raised herein and in the resolution adopted on April 19, 2006;

BE IT FURTHER RESOLVED that all ANC 3C commissioners are authorized to represent the Commission on this matter.

Attested by

Chair, on August 22, 2006

Nancy J MacWood

This resolution was approved by a vote of 7-0 on August 21, 2006 at a public meeting of ANC 3C at which a quorum (7 of 9 members) was present