

ORIGINAL

RECEIVED

DC OFFICE OF ZONING **Before the District of Columbia
Zoning Commission**

**ZONING COMMISSION
District of Columbia**

2006 SEP 18 PM 12:20

Case Number 06-06 (Charter Schools—Text Amendment)

September 18, 2006

CASE NO. 06-06

EXHIBIT NO. 74

**Comments of Neighborhood Input AGAINST the Proposed Text Amendment and Seeking
a General Requirement of a Special Exception for Charter Schools Locating in Residential
Districts**

Neighborhood Input offers these comments on the Proposed Text Amendment to the Zoning Regulations that was the subject of a public hearing on May 11, 2006, as amended by publication in the D C. Register on July 18, 2006. Neighborhood Input is a group of residents of an area bounded by Wisconsin, Massachusetts, and Idaho Avenues in Ward Three.

Section 200.1 of the Zoning Regulations makes clear that “the R-1 District is designed to protect quiet residential areas.” The Proposed Text Amendment runs directly counter to this purpose. The Proposed Text Amendment ensures that the character of R-1 Districts will be changed fundamentally as they are occupied by unregulated schools, with no oversight and no consideration of appropriate land use and no accommodation of neighborhood concerns.

Moreover, the amendment proposed on July 18 does nothing to address the concerns voiced on the record of the May 11 Hearing and in writing thereafter by our representative, Bruce Joseph, our ANC Representative, Sheila Hogan, and our ANC-3C by formal resolution on April 19, 2006, all of which are already of record in this matter, and all of which we incorporate into these comments by reference. Nor does it address the concerns voiced by countless other witnesses who appeared at the May 11 public hearing on this matter.

Indeed, if anything, the July 18 amendment exacerbates those problems, by making it easier for a charter school to establish itself on a residential street by acquiring and combining

multiple lots and by allowing a school with 16 or fewer students to locate as of right on any sized property. These provisions hold the promise of even greater disruption of residential neighborhoods in the city. There are many quiet neighborhoods in the city where it does not take many lots to reach the 15,000-foot lot size limitation. In fact, there are numerous neighborhoods where one residential property will do. Location of a large school on an all-residential street will fundamentally alter the character of that street and the neighborhood in which it is located, bringing traffic, noise and crowding, among other nuisances.

Thus far, the Zoning Commission has ignored the April 19 Resolution of ANC-3C, in violation of DC law, which requires it to give “great weight” to the Resolution and to respond to each point therein. In response, on August 22, 2006, ANC-3C unanimously adopted a second resolution reiterating its concerns, detailing additional concerns with the July 18 Amendment, and calling on the Zoning Commission to comply with the law and give the requisite great weight to the concerns of DC neighborhoods expressed through their elected ANC representatives. Although we understand that the August 22 Resolution has been provided to the Commission through formal channels, we attach a copy to these comments for ease of reference.

Finally, before the Commission adopts the Proposed Text Amendment, we invite the Commissioners to visit our neighborhood—the area around Woodley Road, 38th Street, Idaho Avenue and Massachusetts Avenue—between 7.40 and 8.00 on a school morning. The line of cars and SUVs on Woodley Road waiting to drop children off at NCS stretches across Wisconsin Avenue, across 38th street and into the next block. It takes several long light cycles to get out of the neighborhood. The gnarl of traffic on 39th Street, Idaho and Massachusetts Ave., with Annunciation School and Washington Latin (175 more students dropped into the Christ Church

of Washington this year) is impenetrable. Then imagine another school locating as of right in the neighborhood with no obligation to consider traffic or other land use issues.

In short, we urge the Zoning Commission to take seriously Section 200.1 and to preserve the quiet and character of the city's Residential Districts. A school seeking to locate in a residential neighborhood that is not moving into an existing public school building should be required to seek a special exception. Only in that way can the city be sure that the concerns and needs of its neighborhoods are taken into account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce G. Joseph". The signature is fluid and cursive, with the first name "Bruce" being more prominent than the last name "Joseph".

Bruce G. Joseph
On behalf of Neighborhood Input

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA <i>CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE HEIGHTS</i> <i>MCLEAN GARDENS • WOODLEY PARK</i>
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

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.