

ZONING COMMISSION
District of Columbia

Northeast Neighbors for Responsible Growth

CASE NO. 06-06

EXHIBIT NO. 79

2006 SEP 18 PM 2:08

D.C. OFFICE OF ZONING

RECEIVED

September 16, 2006

Zoning Commission
c/o Secretary of the Zoning Commission
Office of Zoning
441 4th St NW, Suite 200
Washington DC 20001

Re: Text Amendment-Charter Schools (Case 06-06)

Dear Zoning Commissioners,

I am writing on behalf of Northeast Neighbors for Responsible Growth (NNRG), a citizens group representing over 100 residents north of Lincoln Park. NNRG is highly concerned that the Zoning Commission would consider the adoption of amended language, (ZC Case 06-06), allowing public/public charter schools of 16 students or fewer to locate by right in any residential neighborhood. The Zoning Commission is seeking to act on this important change to the zoning regulations, which could have potential devastating effects on our neighborhoods, without public hearings and without adequate time for public reaction. **NNRG strongly advocates the rejection of the revised language.**

In their June 12 Supplemental Report to the Zoning Commission supporting the text amendment as originally drafted, the Office of Planning clearly stated that it was designed to protect residential communities from the very problems which the revised text will create. The report says that while *"...well defined lot standards laid out in the amendment will not adequately address the space or loading needs of larger schools, they provide some protection for established rowhouse neighborhoods .."* The original text amendment requires special exception for public/public charter schools of all sizes that do not meet certain specific requirements within a residentially-zoned district. This language assured that citizens of residential neighborhoods could express their concerns and/or support for the location of a school. NNRG supported the original text amendment as a well reasoned compromise to allow new schools to locate in residential communities, while still protecting the interests of those communities in which they desire to locate. Unfortunately, allowing small schools to locate by matter of right in residentially zoned neighborhoods, without regard to lot size or density, circumvents the very intent of the text amendment as set down by the Zoning Commission on February 13, 2006.

NNRG's correspondence with the Public Charter School Board has revealed that they have no guidelines for siting of schools. In fact PCSB has advised us that ***"In terms of community outreach once a school identifies a location, given that charter schools are autonomous, it is up to each school's Board of Trustees to conduct the needed community outreach."*** The PCBS does not require that location be a part of the amendment process for an added campus, nor is an identified location required for an expansion of a school (which is another method of adding campuses). Once a school receives its initial charter, there is no formal limit to the number of additional campuses that a school can open. While the chartering board is limited by law to granting 10 new charters per year, that number is irrelevant to the number of "new schools" that could actually open each year. Further the PCSB does not REQUIRE that each school's Board of Trustees conduct community outreach. It is optional. PCSB's lack of guidelines for community involvement in the siting of new schools or additional campuses reveals that there is little or no transparency and no public process in place for the siting of charter schools, making it imperative that city agencies, responsible for land use, maintain strict guidelines for locating schools of any size.

Protocol for siting traditional Public Schools involved extensive community input which considered both need and impact on a neighborhood and involved oversight by DCPS as well as the City Council. Additionally, traditional Public Schools serve the communities in which they are located. This is not the case with Charter Schools, which draw their students from the entire city, and they are not subject to the same scrutiny as traditional schools. This ultimately places the burden of oversight with the city and in particular with the Zoning Commission.

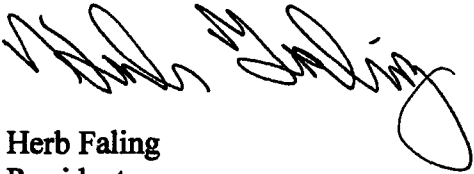
If the Zoning Commission allows the adoption of the revised language, it will have a devastating effect on residential neighborhoods by allowing the conversion of residential property to non-residential use. The primary pitfalls include:

- The change allows commercial-style enterprises, some of which are for-profit corporations, to locate in residential property.
- The change places no restrictions on the concentration or proximity of schools within a neighborhood which can overburden public services, creating public safety concerns over concentration, especially in rowhouse neighborhoods, will have negative effects on peace, order and quiet.
- There is no requirement for traffic studies to determine the ability of a neighborhood to absorb added traffic, parking requirements, and congestion created by drop-off and pick-up of students. This is exacerbated by the lack of restrictions on concentration of facilities.
- Charter schools (which include early learning/pre-K, grades K-12, vocational, adult/continuing education as well as residential facilities) place differing levels of burdens on communities than traditional public schools and this would be exacerbated by a lack of control on concentration.
- Current regulations allow public schools to be used as meeting halls, for dances and other recreation, classes not associated with the school, "and other such community uses as deemed necessary and desirable," These uses in traditional public schools are determined by an elected school board; the charter schools are

autonomous and there is no mechanism by which a community can participate in deciding whether a use is necessary and desirable

Transparency and interaction with the community are imperative in the siting of any commercial or semi-commercial enterprise within a residential neighborhood. As noted above, NNRG represents over 100 citizens and relies on our city agencies to provide responsible guidelines for all public issues. It is unreasonable and unfair to ask the taxpayers of this city to live with the uncertainty as to zoning or established public process for the property next door or for properties in their immediate neighborhoods. **We strongly urge the Zoning Commission to adopt the text amendment as originally drafted and reject language which allows schools of 16 or fewer as a matter of right.**

Sincerely
Northeast Neighbors for Responsible Growth

A handwritten signature in black ink, appearing to read 'Herb Faling', with a large, stylized loop at the end.

Herb Faling
President