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ZONING COMMISSION
District of Columbia

CASE NO. 06-06
EXHIBIT NO. 2004 DC 81

September 17, 2006

The Zoning Commission of the District of Columbia
One Judiciary Square, Suite 210 South
441 Fourth Street, NW
Washington, DC 20001

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DC OFFICE OF ZONING
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Re: ZC Case 06-06 "Charter School Text Amendments"

In considering the subject Text Amendments, there were protections for siting Charter Schools in residential neighborhoods. We are concerned that last minute changes have been inserted into the Text Amendment being considered by the Commission with the effect of "gutting" the original amendment and allowing Charter Schools to locate without public hearings and without notice in residential neighborhoods.

The proposal now would allow Charter Schools with 16 or fewer students to locate as a "matter or right" in residential neighborhoods without notice or hearings and further provides no limit on the number of such schools in any area or the uses for such schools. As we are sure you know, Charter Schools can provide services for early childhood, elementary, middle, and high school as well as adult continuing education plus vocational and residential services. The opportunity for such schools to dramatically change the residential character of a neighborhood without notice or hearings runs counter to the City Master Plan and Zoning Maps. It is particularly significant for areas of the city within the Historic District. All the safeguards for this District are without meaning or significance should the Commission approve the revisions proposed to the subject Text Amendment.

The whole Charter School Text Amendment change process appears to be a sinister and reprehensible attempt to use a back door to deprive communities of their ability to have any input on maintaining the character and ambiance as well as property values.

The Capital Hill area has many new signs posted throughout designed to prevent non-residents from using already scarce parking while attending RFK events. Yet with the revisions proposed to this Text Amendment do not account for the many part time and independent contractor employees that Charter Schools routinely use to keep down costs. Nor do they account for the parking spaces that contractors providing services to the schools will take up. Charter Schools historically have operated with as few full time employees possible to reduce their overhead and avoid paying fringe benefits to these individuals.

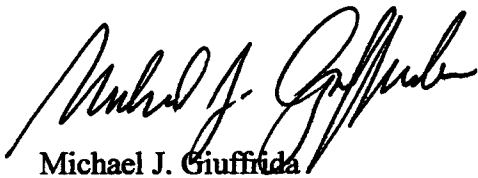
Charter Schools are not accountable to any elected authority. Citizens would have not say in the siting of these schools under the proposal as they do with public schools. There is likewise no mechanism for community input on what other uses Charter Schools might initiate to enhance revenue such as offering classes not associated with the schools mission.

We are concerned that there is no Special Exception process in the proposed Text Amendments. Without this safeguard, communities have no chance for input or comment on sitings of Charter Schools that would substantially impact the character of their neighborhoods. Now there are very specific rules in a homeowner wants to have an office in their home. A homeowner cannot convert their building from a residential to a commercial use without substantial effort, hearings, and specific approvals from adjoining neighbors. This whole process is subverted by the Text Amendments

We urge the Zoning Commission to resist the efforts of Charter Schools to subvert the land use and zoning planning requirements that the City has in place to protect neighborhoods and allow for an orderly and public process to consider changes. Currently changes cannot take place and then be reviewed after the fact. If a property owner tried this there are substantial fines and penalties levied and the owner can incur thousands of dollars in costs to restore the property to it original approved land use.

In addition to being a residential property owner on 12th Street NE, we also are the owners of a C2A property near Union Station. The zoning line for C2A runs right through the wall of our property making the property next door R-5. When we inquired about changing the use of the building next door to an office use, we were told we needed to file for a special exception and clearly show the character of the neighborhood had changed so that the change from residential to commercial use of the building in question should be considered. We believe Charter Schools should have the same burden of proof.

Sincerely,



Michael J. Giuffrida



Gail Martin Giuffrida