

District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



April 26, 2007

Ms. Sharon S. Schellin  
Secretary of the Zoning Commission  
Office of Zoning  
One Judiciary Square  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, DC 20001

RE: BZA Decision on AppleTree Charter School Appeal Case #17532

Members of the Zoning Commission:

This letter is a follow-up to our letter of February 12, 2007, in which we asked the Zoning Commission to act sua sponte to preempt the pending decision by the Board of Zoning Adjustment (BZA) to grant the appeal of AppleTree Institute for Education Innovation in BZA case #17532.

We would like to bring to your attention a letter (attached) received by Councilmember Wells from Mr. Thomas Nida, Chair of the Public Charter School Board (PCSB). In it, Mr. Nida responds to Councilmember Wells' request that the PCSB deny AppleTree Institute use of the property that is the subject of BZA case #17532. In his letter, Mr. Nida states that AppleTree Institute for Education Innovation "...is a D.C. non-profit organization and is not a public charter school." He further states that the Public Charter School Board "...has received no petition form the (AppleTree Public) Charter School...to approve an additional campus at this site".

Since the applicant for the permits (AppleTree Institute) was not a public school, and since no public school has been authorized at this site by the chartering authority, our Commission asserts that no valid request for a school "by-right" modification of 138 12<sup>th</sup> Street, NE is, or ever has been, pending. We consequently assert that the original permit application is void, and the subsequent appeal by the AppleTree Institute of the decision of the Zoning Administrator is moot.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

Attachment



**District of Columbia Public Charter School Board**

March 2, 2007

Councilmember Tommy Wells  
The John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Councilmember Wells:

The D.C. Public Charter School Board (the "Board") received your letter dated February 26, 2007. In response, I am drafting this letter on behalf of the Board to (1) state that the Board has no jurisdiction over the AppleTree Institute for Education Innovation; (2) clarify the role of the Board regarding the selection and location of facilities of the charter schools it authorizes; and (3) invite you to discuss with the Board the general charter school facility selection issues you raise in your letter.

First, please be advised that the AppleTree Institute for Education Innovation (the "Institute") is a D.C. non-profit organization and is not a public charter school. The Board has issued a charter to AppleTree Early Learning Public Charter School (the "Charter School"), a separate legal entity. The Charter School is located at 680 I Street, SW.

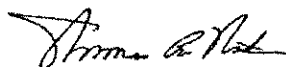
The Board recognizes that the commercial property in question, 138-140 12th Street, NE, has been the subject of an ongoing controversy between the Institute and some residents of the neighborhood, and that the site was acquired by the Institute with the plan to complete renovations and to lease the facility to the Charter School. However, to date the Board has received no petition from the Charter School to modify its charter agreement to approve an additional campus at this site.

At our last monthly meeting, on February 26, 2007, the Board did approve a request from the Charter School for an enrollment increase. For your information, I have enclosed copies of our Decision Memorandum for the approval of the recent enrollment increase request by the Charter School. In addition, the Charter School provided us with preliminary information on two additional sites under negotiation – in a new building under construction in Columbia Heights, and in a potential co-location with St. Thomas More Catholic School in Washington Highlands. In order to operate at either or both of these prospective new sites, the Charter School must receive Board approval.

Because we have had no request from the Charter School to add a new campus located at 138-140 12th Street, NE, this Board has no jurisdiction to intervene in the matter. As mentioned above, the Institute is not a charter school, and the Board has no jurisdiction over the operations of the organization, including where it chooses to locate.

Finally, the Board shares your concerns for the safety and welfare of D.C. school children, and considers the location of charter school facilities to be an important one. Since you raise other general issues regarding the availability of space for charter school facilities, the Board welcomes the opportunity to meet with you, to discuss these issues further, and to establish a direct line of communication between us.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Nida". The signature is fluid and cursive, with the first name being more prominent.

Thomas Nida  
Chair

Enclosure

cc: Victor Reinoso  
Advisory Neighborhood Commission 6A  
Appletree Early Learning Public Charter School