

BEFORE THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
Statement of Advisory Neighborhood Commissioner Cody Rice
Representing
Advisory Neighborhood Commission 6A
Case No. 06-06
May 11, 2006

Good evening. My name is Cody Rice. I am a member of Advisory Neighborhood Commission 6A, located in Northeast Capitol Hill. I appreciate the opportunity to make this statement.

ANC 6A has submitted a letter in support of the proposal to clarify the status of public charter schools under the zoning regulations and to require special exceptions for public schools that do not meet minimum site requirements in the residential zones. I have been authorized to represent the ANC on this matter.

The proposed text amendments address the valid concern that placing schools on small sites will expose residential neighborhoods to traffic, noise, and cumulative effects from similar facilities. In particular, sites with limited or no setback from nearby residential properties, limited street frontage for student drop-off and pick-up, and limited space for off-street parking are likely to impose inappropriate and objectionable conditions on surrounding residential properties unless managed through special exception.

Traditionally, public school placement has been managed by the school system, the elected school board, and the city council—all with public input. As a result, oversight of public school placement has been adequate despite the matter of right zoning treatment. However, the advent of charter schools has created a new class of independent, publicly-funded schools for which there is no explicit zoning regulation or public process to govern site selection and placement. The proposed text amendment creates oversight to ensure the appropriate placement of charter schools and other public schools.

I know there are concerns about imposing a new special exception requirement on public schools, but this proposal is completely reasonable and balanced. You must keep in mind that the existing public schools, including the 50-60 public charter schools in the District, all operate on sites that would have allowed them to open without seeking special exception even if this rule had been in place. This proposal addresses the clear outliers who insist that any residential property is fair game for a school, and allows them to make their case before BZA.

To add further context, I will discuss four other non-residential uses that are already controlled by special exception in the residential zones: private schools, child development centers, community centers, and home occupations. I bring these uses to your attention to evaluate the reasonableness of the proposed text amendment, particularly with respect to the need for the zoning code to protect the character of established residential neighborhoods.

First, consider private schools. Per section 206 of the zoning regulations, private schools always require a special exception in residential zones no matter what their site looks like. Private schools are independent educational entities, and as such, the opportunity for public input on

their scale and operations is limited except through the special exception process. These schools must be located so as not to be objectionable to adjoining and nearby property because of noise, traffic, number of students, or other conditions. This process effectively balances concerns related to private school operation in residential zones.

Second, consider child development centers. This use encompasses child care centers, pre-schools, nursery schools, and before-and-after school programs. Like private schools, child development centers are only allowed by special exception in lower density residence zones per section 205. Beginning in the R-4 zone, this use is permitted as a matter of right for up to 16 children, smaller than one public school classroom. Additional children may be added by special exception. Child development centers must be located so as not become objectionable to adjoining and nearby property because of noise, traffic, visual effects, or other conditions. Many child development centers are independent entities, and as such the opportunity for public input on their scale and operations is limited absent the special exception process.

Third, consider community center buildings operated by a local community organization or association. This use is permitted by special exception in residential zones per section 209. Like private schools and child development centers, community centers must be located so as not become objectionable because of noise or traffic.

Fourth, consider home occupations. Per section 203 of the zoning regulations, home occupations are permitted as a matter of right only if a number of conditions are met. According to the zoning code, the purpose of these provisions is to ensure compatibility with the residential neighborhood in which they are located. Among others, the following limits are considered necessary to ensure a compatible use: no more than one person who is not a resident of the dwelling may be employed in the home occupation; vehicular trips to the premises may not exceed eight trips daily on a regular and continuing basis; the use may not produce a level that exceeds that normally associated with the category of dwelling or the immediate neighborhood.

By comparison to these standards, the proposed amendment for public schools seems quite reasonable. Schools have one or more teachers per class in addition to other staff and visitors, have students who are dropped off and picked up by car, and create substantial noise as children play outside. As the proposal recognizes, all of these pressures on nearby residential properties can be mitigated by a larger site with proper setback, off-street parking, and adequate street frontage for drop-off and pick-up.

To sum up, I have discussed a variety of uses that are all valuable to the community and, when planned carefully, contribute to the well-being and quality of life of a residential neighborhood. However, the opposite may also be true if these uses are allowed without any planning or input on potentially objectionable conditions. This is equally the case for traditional public schools and charter schools. If a site cannot meet the requirements proposed by Office of Planning, it seems reasonable to deal with potential spillover effects through the special exception process. The issue is not large schools or small schools *per se*, but rather that schools on certain types of sites may impact neighboring properties adversely if allowed as a matter of right. The proposed text amendment provides a reasonable balance between the need for public schools in neighborhoods and the potential for harm resulting from poor site selection.

ANC 6A believes that the proposed text amendments will support the Comprehensive Plan by maintaining the character of existing neighborhoods as well as enhancing public safety. Allowing public schools to be sited on *any* residential property as a matter of right would eliminate formal opportunities for public participation and community input to alleviate adverse impacts through the special exception process. The special exception process is an effective tool balancing these interests and for involving the community in land use decisions. Therefore, we urge you to adopt the proposed text amendments.

Thank you.