

*December* 10<sup>th</sup>, 2025

Arlington County Board 2100 Clarendon Boulevard Arlington, VA 22201

RE: Lyon Park Citizens Association Position on the <u>Tyndale School Use Permit UPER24-00005</u>) for up to 40 students; located at 712 and 716 N. Barton St. (RPC#18-039-030, 031). (see p. 196 of the Board report). This item is under consideration at the December 13<sup>th</sup>, 2025 Regular Board meeting.

To the Arlington County Board and County Manager:

The Lyon Park Citizens' Association (LPCA) has no objection to the County Board's renewal of this use permit and is reserving comment on the substance of this request, due to insufficient inputs received in time for us to take a full vote of our membership. See below for detailed discussion and a request for Board action on future permit renewal(s) of this and the affiliated permit UPER24-00032.

The current permit allows the owner of the property, Free Will Blossom Church, to allow use of its premises at this address by Tyndale Christian School for the operation of a private school, with associated rules for parking, transportation, and a maximum enrollment of 40 students. The County Manager is recommending renewal of the permit for 7 months.

LPCA's understanding – after conferring with staff – is that this permit contains the underlying legal permission for a land use change for this property, for a school of up to 40 students, located at 712 and 716 N. Barton St. The use permit was originally approved by the County Board in June 2024, with a scheduled review to assess the operations in December 2024. At its December 2024 meeting, the County Board renewed this use permit for one (1) year. Subsequently, at its January 2025 meeting, the County Board approved a

SEPARATE use permit amendment (UPER24-00032) to increase the permitted enrollment of the subject school from 40 students to 80 students with a scheduled review in July 2026.

According to staff, UPER24-00005 is the only avenue that legally permits operation of a school on this property, and the county attorney has advised that BOTH permits need to run simultaneously until this discrepancy is resolved. (i.e., UPER24-00005 provides the legal authority for the school to operate as such, and UPER24-00032 allows the school to operate with 80 students.)

There were issues with notifying the civic association regarding the actual details about the permit being renewed at the December 2025 Board Meeting. Our community organization meets monthly and our members did not have sufficient time to review all the terms of either use permit. LPCA understands that staff and the Manager are recommending that the Board approve the renewal of UER24-00005, and that both it and the second permit be coterminous in July 2026.

LPCA is reserving its opinion on this matter due to the complex issues that we were unable to resolve in time to give the County Board our timely and representative view. LPCA has consistently noted to the county that the process for this revised land use and operation of the school has been flawed, as illustrated:

- The county/applicant changed the terms of the use permit AFTER LPCA voted to approve the initial application, resulting then in a recommendation for deferral (and rejection) in June 2024; and
- In November 2024, the county also changed the terms of the request, meaning that LPCA voted against a permit to raise the enrollment to 80 students but the applicant/staff subsequently raised that number to 145, meaning our vote was essentially made in ignorance of the ACTUAL item for the Board's consideration. As the Board no doubt would agree, changing the terms of requested use permits or site plans may not occur AFTER the terms of said project have been relayed to the community for its position;
- As evidenced by our <u>January 14, 2025</u> letter, LPCA was NOT AWARE that the Board would issue a NEW use permit with a new number. We had understood the Board would just amend the original use permit as noted by our reference in the subject line to UPER24-00005, resulting in major confusion when we learned in December 2025 that there were two valid use permits for this former church property.

LPCA notes that its concerns at this site have centered on severe process flaws, including at the first hearing on the original permit, where the Board chair absented herself from public comments for the initial part of the briefing, but also on substance, namely, the lack of onsite parking (or arrangements for offsite parking that the applicant may make); noise issues; safety of the children and neighbors, and inconsistent land use. For the purposes of the Board's review of this item in December 2025, LPCA chooses NOT to take a position on any of these items, and we will accept the Board's approval on the stipulation that all the

other terms that we understood to be in effect still apply to the school's continued operation.

We ask the Board in its comments on this consent agenda item to acknowledge the following and to reach back to LPCA with assurances on the next phase on this site.

- 1. Staff will contact LPCA (lyonparkpresidentnur@gmail.com) no later than May 2026 with an update on both use permits and any requested changes.
- 2. Staff agrees to meet in person with LCPA in June 2026 to address any concerns about one or both use permits.
- 3. Staff and the county attorney will clarify to LPCA by June 2026 whether both permits will need to be renewed, or why the applicant cannot combine its entire land use and enrollment limits into one permit that reduces the confusion and time that staff, the applicant, and our civic association must devote to this property.
- 4. The Board commits to LPCA that the terms of any and all use permits for Tyndale will be relayed to the LPCA 2 months prior to the Board meeting, and that no changes may be made by the applicant or staff on behalf of the applicant after that date, or within one week of the LPCA scheduled vote on the project.

Thank you for considering our position.

Natalie Roy President Lyon Park Citizens Association lyonparkpresidentnur@gmail.com