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June 10, 2006

Ms. Carol Mitten, Chair
Zoning Commission
Government of the District of Columbia
One Judiciary Square
441 Fourth St. N.W., Suite 210-S
Washington, DC 20001

RE: Case 06-06: TEXT AMENDMENT FOR PUBLIC SCHOOLS

Dear Sirs:

I am a commercial real estate broker and have served as a volunteer and consultant to Friends of Choice in Urban Schools (FOCUS) for the past four years. My role is to help charter schools find suitable space, and most of my work has focused on assisting newly-approved charter schools.

Some of the proposed zoning provisions being considered by the Zoning Commission will be very helpful in clarifying matter-of-right use in zones which have been off-limits but others, while well-intentioned, will have serious negative effects. These effects must be seen in the context in which charter schools find space and open their doors.

Especially during their first year of operation, it is incredibly difficult for new schools to find existing buildings that will serve their needs. Because they have no track record they cannot consider purchasing buildings or even interest landlords in leasing them space. And to make matters worse buildings-for-lease are hard to come by for two reasons:

- There are fewer and fewer existing buildings in the 10,000 to 30,000-sf size which are suitable or affordable;
- Buildings which do exist often require extensive rehabilitation, and new charter schools lack both the resources and the necessary time to make such improvements.

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To make matters worse, new schools face already a daunting set of challenges in their first year—recruiting staff, enrolling students, establishing procedures, etc. To also find adequate space in the middle of all the other start-up activities can break the camel's back, especially when a tight real estate market leaves so few properties available.

For this reason, I am very distressed to see another potential roadblock—proposed requirements for a minimum 120' frontage or a 9,000-sf lot size, for example. These requirements will be potentially devastating for start-up schools, which must often accept out-of-the-way small buildings and locations with frontage often less than 120 feet. For schools planning to enroll only 100 to 125 students in the first year, small buildings on small lots are necessarily often the only choice available, and many of the available properties are located in residentially-zoned areas.

And small start-up schools are the norm, not exception. It is difficult for any new school to start out with more than 125 students, given the fact they are unknown entities which must compete with both existing charter and DCPS schools. After the first three or so years, most charter schools do grow into larger buildings but in the interim, they must stay put and live within the constraints of their small, start-up building space.

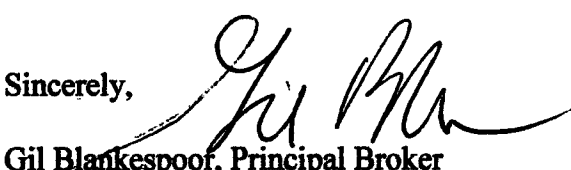
I understand there is a proposal to permit charter schools to obtain a waiver to the 120-foot frontage requirement or 9,000-sf lot size by going through a special exception or appeal process. However, it will require apparently six months or longer to go through this process, and schools simply do not have the time required for that kind of delay.

For one thing, most landlords will not accept a lease clause requiring such a long lead time before the lease can be confirmed and, even if they did, the school simply does not have the time to wait that long for approval. By the time new charter schools get final approval by the charter school board in the spring or early summer, the school must move very quickly to sign their lease (or remove any contingency linked to final charter approval) and usually make certain improvements so they can open their doors in the fall.

If they must wait for six months or longer to go through an appeal, they will be delayed for a full school year—which often means the school will never open. After all, they have already made tentative commitments to staff, started student recruitment, and done a 1000 other pre-startup tasks. Stopping that train in its tracks and then trying to start all over again the following year can simply de-rail the whole process.

I urge you to consider the context in which small charter schools must operate, and greatly appreciate the opportunity to make the above comments.

Sincerely,


Gil Blankespoof, Principal Broker