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August 14, 2006

Sharon Schellin
Secretary to the Zoning Commission
Office of Zoning
441 4th Street, N.W , Suite 200-S
Washington, D.C. 20001

Subject: Revised NOPR, Z.C. Case No. 06-06 (Charter Schools Text Amendment)

Dear Ms. Schellin:

I am writing to oppose the last-minute change to the previously proposed charter school zoning regulations.

This extraordinary change would now allow charter schools with fewer than 16 students to locate in residential R-4 neighborhoods as a matter of right, without going through a special exception process and without requiring the school to notify residents or give neighbors any opportunity to comment. These proposed regulations are grossly undemocratic and the reasoning proponents offer for their adoption is flawed.

In her July 10 memorandum on this issue, Planning Director Ellen McCarthy states, without presentation of any documentary evidence, that small schools "would have minimum noise and traffic impacts on the surrounding neighborhood." Can it really be true that a 16-student charter school serving teenagers or adults will have the same neighborhood impact as one serving pre-kindergarten children? The assumption seems ludicrous on its face, and attempts to hide the reality of the regulation's potential impact on residents behind a smokescreen of vague and feel-good assertions about the impacts of "child development centers" are misguided. Moreover, privately-operated pre-K facilities unrelated to the public school system are now regulated as special exceptions. Why should charter pre-K facilities be regulated any differently?

The NOPR gives great emphasis to issues relating to the building envelope, square footage per student, and related factors. Little attention is paid to other issues that concern neighbors, such as the potential concentration of such schools in a neighborhood. Similarly, the regulation offers no safeguards against a charter school developer buying and combining two or more adjacent properties to create a larger school while claiming each property as a stand-alone venture for purposes of zoning.

ZONING COMMISSION
District of Columbia

CASE NO. 06-06

EXHIBIT NO. 68

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The special exception process is one of the few safeguards available to R-4 neighborhoods that permit them to have a voice in the noise, traffic, trash, parking and other development impacts that affect them when commercial-style enterprises attempt to locate in residential buildings. This special exception process should be strengthened, not weakened as it is in this proposal

Since more than three million square feet of excess public school space will soon be closed and potentially available for new charter schools, I find it strange that the proposed regulations seek to put the burden on residents to absorb new charter schools, and stranger still that the proposals recommend eliminating citizen comment on the issue altogether—no public notice, no hearings, no limits, no oversight. This sounds like planning in former Soviet Union, not the open, transparent government D.C. officials often profess to support.

I believe charter schools are valuable and needed in our city, but forcing “stealth” commercial enterprises down the throats of neighbors in R-4 districts is not the way to achieve what we all want in terms of improved educational outcomes for our residents.

To rectify the many problems with the proposed new regulations, I urge the Zoning Commission to seek broader community input on the proposed change and follow the steps below

- 1) Schedule public hearings on the last-minute proposed change,
- 2) Delay the proposed September 11 vote on final passage of this measure; and
- 3) If options 1 and 2 above are rejected, vote against the proposal to exempt small charter schools from the special exception process at the Commission’s next meeting.

Thank you for the opportunity to comment on this issue.

Sincerely,



John E. Fletcher, Jr.

cc: Travis Parker, Office of Planning
Council Member Sharon Ambrose