



WASHINGTON INTERNATIONAL SCHOOL
Colegio Internacional de Washington • Ecole Internationale de Washington

November 4, 2013

BY ELECTRONIC MAIL

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
One Judiciary Square
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

**Re: Subtitle X, Chapter 1; ZRR Proposals regarding proposed Campus/School
Plan Zoning Procedures and Requirements Pertaining to Private Schools;
Z.C. No.08-06A**

Dear Chairman Hood:

Washington International School operates a Primary School at 3601 Reservoir Road, N.W. and a Middle and Upper School at 3100 Macomb Street, N.W. Its Macomb Street facilities are located on the Tregaron Estate, which is an individually-designated historic landmark and located within the Cleveland Park Historic District. The Primary School site is located within the Georgetown Historic District. As such, all development on the Tregaron Estate is required to be, and has in the past been, subjected to detailed review by both the Historic Preservation Review Board (HPRB) and the Board of Zoning Adjustment (BZA) and all development at the Reservoir Road property has been subjected to detailed review by both the Commission of Fine Arts (Old Georgetown Board) and the Board of Zoning Adjustment. As discussed in more detail below, the Office of Planning's proposal for a much more restrictive and onerous regulatory scheme for the regulation of private schools is inappropriate, unnecessary and unreasonable in the case of The Washington International School (and, we suspect, in the case of most, if not all, other private schools).

In addition, contrary to OP's apparent assumption that each private school should have a single unified "school plan," the Washington International School's development and use of its two sites – one in Cleveland Park and one in Georgetown -- has for many years been reviewed by different Advisory Neighborhood Commissions and different neighbors in separate and unrelated BZA proceedings based on a different and distinct sets of issues and criteria that relate to the different traffic and parking patterns of two different neighborhoods (Cleveland Park and Georgetown) and the relationship of different types of developments proposed by the School to different neighborhoods in terms of density, architectural styles and a myriad of other factors. Thus, to assume as OP apparently does that WIS has (or should have) a single consolidated "school plan", including a 10 year capital improvements plan, and that the BZA should evaluate

markedly different properties and different use proposals under the criteria of a consolidated plan is to turn logic and reason on its head. Equally importantly, OP has totally failed to justify a regulatory scheme which represents a radical departure from current zoning practice and procedure and which, from WIS' perspective based on long-standing and close relationships with its neighbors in Cleveland Park and Georgetown, seems to be working effectively.

In addition, and very importantly from a legal perspective, the District of Columbia Comprehensive Plan directs the Office of Planning to "ensure that LARGE non-profits, service organizations, private schools, seminaries, colleges and universities and other institutional uses that occupy LARGE SITES within residential areas are planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities." (Emphasis added.) See Policy LU-3.2.3. (See footnote 1 below.) This policy, specifically with respect to "large sites", according to an OP Report dated November 19, 2008, became the "fundamental guidance" for a Campus/Institutional Working Group and the impetus for resulting recommendations. Unfortunately, at some point in the Zoning Regulations Review (ZRR) process, OP lost sight of the mandates of the Comprehensive Plan and opted to totally ignore its clear and unequivocal intent to regulate "large" institutions that occupy "large sites."

According to the OP Report cited above, the Zoning Commission directed "that the Zoning Review [ZRR] should result in greater clarity, ease of use and relevance." In addition, a more recent report by OP, states that "(t)he changes proposed to the ... Private School Plan review procedures are proposed to CLARIFY elements of impacts including guidance for adjunct commercial uses...." (See footnote 2 below.) Neither the Comprehensive Plan nor the guidance provided by the Zoning Commission and the stated purpose of the ZRR proposals for private schools support a wholesale revision of the regulatory scheme – and of the applicable legal standards – that pertain to private schools.

For the reasons set forth above and below, the Washington International School recommends that the proposed revisions to Subtitle X Chapter 1 be disapproved.

1. Section 100.1(b). As stated above, OP's assumption that all private schools permitted by special exception should be governed by the same overall regulatory scheme -- which appears to have been designed to regulate large colleges and universities (see Section 100.1), "medical complexes" (see Section 100.2) and other institutions with "campus facilities" (see Section 100.3) -- is inappropriate and without merit. As a result, this assumption needs to be removed from any new proposal that OP might make in response to this letter and communications from other private schools. One size does not fit all with respect to the private

¹ OP has stated that "(m)ost of the remainder of Comprehensive Plan guidance for institutional uses is directed specifically at colleges and universities." See report cited in next sentence.

² See OP Report dated October 25, 2013 re "Comprehensive Text Revisions – Subtitles A, W, X, Y and Z".

school community in the District of Columbia and it is an inappropriate benchmark or baseline for (and does not justify) the treatment of private schools in any manner that is similar to the manner in which large universities and hospitals are regulated.

2. Section 104.1(d), if adopted, would require each private school to submit to the BZA for its approval a “description of **all activities** conducted or to be conducted on the school....” (Emphasis added.) This requirement is so over-broad and all-encompassing that it could be interpreted to require information pertaining to a myriad of “activities” that are (i) internal to a private school and which have never been the subject of prior applications to the BZA and/or (ii) which could have no conceivable adverse impact on nearby neighbors and which are, as a result, totally irrelevant to a BZA proceeding.

3. Section 104.1(e). This section, if adopted, would require a private school to submit to the BZA for its approval information and data which is also required to be submitted by large colleges and universities. Such information is totally inappropriate for, and should not be required from, private schools which (i) are tiny in comparison to large universities, most of which have large sprawling campuses, and (ii) have miniscule (actual or potential) impacts on their neighbors when compared to the impacts of large universities. Such inappropriate information includes *inter alia* the following: (i) the “FAR for entire campus”, which is unnecessary in a residential zone that does not regulate FAR and, furthermore, incorrectly assumes that each and every private school has a large “campus”; (ii) “Future needs/capital improvements (10 yrs)”, which is inappropriate and unreasonable to require from private schools, the vast majority of which do not have ten (10) year “future needs” or “capital improvements” plans and which do not have the staff or financial resources to develop such plans; and (iii) an explanation of “**all programs** on campus including educational, certificate, adult learning, international, career training, religious, night classes, civic and non-profit uses,” (emphasis added) which is inappropriate with respect to private schools, the vast majority of which offer few if any of such programs (other than “educational”).

4. Section 104.5. This section, if adopted, would dramatically change the legal criteria and standards by which the BZA would be empowered to judge special exception applications submitted by private schools. Thus, in addition to evaluating whether such applications are in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property (which are the current standards), the BZA would be required to evaluate and approve applications “subject to the special conditions specified in this section.” (Emphasis added.) Such “special conditions” are those discussed above in this letter (as well as other conditions set forth in proposed Subtitle X Chapter 1 which are too numerous to summarize or discuss in a brief letter). As indicated above, many of such “special conditions” are inappropriate or inapplicable to private schools or are unreasonable requirements.

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We appreciate and thank you for your consideration of our views and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Clayton Lewis", written over a horizontal line.

Clayton Lewis
Head of School

cc: Ms. Donna Hanousek, Office of Zoning
Ms. Jennifer Steingasser, Office of Planning
Mr. Joel Lawson, Office of Planning
Jacques B. DePuy, Esquire