

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Zoning Commission Case No. 08-06A, Subtitle X

Summary of Testimony of Alma Hardy Gates

Administrator, Neighbors United Trust

Member ZRR Task Force

November 4, 2013

- Private School Plans were not discussed or reviewed by the ZRR Task Force. They first appeared in the August 13 version of the draft text.
- Section 100.1(b) provides for private schools when permitted by special exception. Requirements are detailed in Subtitle X §103.
- Section 103.1 refers an applicant to a required list of relevant information that must be furnished. This list § 103.4 greatly expands current information provided in campus plans under Title 11 § 206.
- Absent in § 103 is any referral or reference to parking other than the requirement for a parking plan under § 101.15.
- The proposed new parking formula for private schools is found in Subtitle C § 1901.5 and requires a minimum of 1.25 spaces per 1,000 sq. ft. of gross floor area. This replaces the current parking formulas for private schools found in Title 11 § 2102 that calculates parking according to potential use by faculty and staff for lower grades and number of seats in the largest common space for upper schools. The existing requirement is based on actual numbers, not some arbitrary figure pulled out of the air by the Office of Planning.

Ward 3 is home to a large number of private schools and two universities. Faculty/staff parking is one of the more frequent problems. Asking for a parking study and basing numbers of spaces on minimums may be insufficient to mitigate the problems experienced by residential neighborhoods with regard to private school parking. While not perfect, the current formulas (Title 11 § 2102) are preferable to what has been substituted.

- **Chapter 4 Applications for Amendment to Create a New Zone.** It is unclear if these are the procedures to be followed for a “customized zone.”
- **Chapter 6 Design Review, § 600.1 (e)** – Is it possible to grant flexibility in building bulk without increasing density?
- **Is Design Review required for theoretical lot subdivisions (Subtitle C – 407)?**

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Tonight I want to address Subtitle X, Section 102 Private School Plan(s) and special exception requirements.

On December 11, 2008, the Office of Planning (OP) informed the Zoning Commission, "In many instances, the impact of smaller institutions are just as wide-ranging, if not as pervasive, as those of other larger institutional uses. Therefore, in the interest of consistency and predictability OP recommends that they be regulated within the same comprehensive framework of regulations."

OP also noted that many private schools don't come back to the BZA for zoning relief for years and it would be useful to have periodic reporting on how special exception conditions are being met.

Recommendation: Subtitle X substantially expands the application criteria for special exceptions for private schools over current § 206 requirements. These would be further enhanced by a reporting requirement and establishment of a "clean hands" threshold, which would be filed annually with the Compliance Officer in the Office of Zoning.

The group I represent – **Neighbors United Trust** - was formed in response to the proposed establishment of a junior high school for 60 seventh and eighth graders in the midst of a residential neighborhood. The property, one of the original Victorian homes on MacArthur Boulevard, was built for a family of six. Nevertheless, the BZA granted the special exception with a list of conditions and the junior high has settled into its surroundings. This zoning relief has worked because the neighbors serve as a constant reminder there are conditions associated with zoning approval; and, the school understands it must abide by its BZA Order. Quarterly meetings are faithfully attended and have proven to be an excellent

lesson in town/gown relations – a way for the school and neighbors to discuss our different cultures - what’s working, what isn’t.

Recommendation: Special Exception Conditions should be clearly constructed and worded to protect neighborhood quality of life and ensure enforceability. Quarterly meetings are strongly suggested as a requirement for private school special exception approval.

A major issue faced by private schools is faculty/staff parking. While Subtitle X §101.8 (b) requires the location of parking facilities, the actual formula for numbers of spaces is found in a different Subtitle (C-1901.5). The new private school parking formula was hotly contested by the task force but objections fell on deaf ears. It is unreasonable for OP to change the basis of the parking formula until it can demonstrate there is a need for change, and the change will not result in an “objectionable condition.”

Recommendation: Retain current parking formulas for private schools and reference them in Subtitle X. Student driving and parking policies should be clearly outlined in the school’s operations manual and made a condition of special exception approval.

Faculty/staff caps: Section 101.15 refers to full- and part-time employee counts. Some time ago the matter of private school part-time employees was addressed by the BZA and it was decided FTE/part-time faculty/staff counts represent employment policies and budgetary considerations, however, these individuals represent a real neighborhood presence when on campus.¹

Recommendation: Each faculty and staff member of private schools will be counted as one employee for purposes of establishing total counts. Clinicians and volunteers, who are on campus more than two days a week, will be included in the total count.

There are a few random areas of Subtitle X that may need clarification:

Chapter 4 - Applications for Amendment to Create a New Zone. Are these the same procedures to be followed for a “customized zone?”

¹ BZA Case No. 170.81, transcript page 232. (<http://dcoz.dc.gov/trans/031202bza2.pdf>) David Zaidain, “Why the change between the two? [full-time vs. part-time employees] Why are we not just talking about people? To me, FTE is a budgetary term. One FTE can mean five people or four people.....FTEs can be incredibly challenging. A FTE [is] still one person driving to the site and leaving.”

Chapter 6 - Design Review, § 600.1 (e) – “Provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.” Is it possible to grant flexibility in building bulk without increasing density?

Subtitle X, Chapter 1 is referenced in Subtitle C § 407.10 - theoretical lot subdivision relief for education use, however, there is no cross reference in Subtitle X to Subtitle C § 407.10. Also, Why isn’t “Design Review,” which is required for PUDs – Subtitle X § 308.4 (d), also required for theoretical lot subdivisions - Subtitle C § 407?

There is too much substance in the five Subtitles being considered tonight to have them bunched into one hearing. This is like being presented with a large bag of Halloween candy and only being allowed one piece!