

**The District of Columbia Zoning Commission
Public Hearing on Case No. 08-18: Text Amendments—Use of Former
Public School Buildings**

**Testimony of Gary M. Peterson, Chair of the Capitol Hill Restoration Society
Zoning Committee
July 28, 2008**

I am Gary Peterson, Chair of the Capitol Hill Restoration Society (CHRS) Zoning Committee. Thank you for the opportunity to comment on this proposed text amendment. CHRS strongly supports adaptive reuse of vacant or soon to be vacant school buildings. No one supports leaving schools vacant because of the problems that result from a vacant property. However, the proposed amendment is too permissive and doesn't provide for community review and input on any proposed reuse. In order to provide the necessary prior public review, CHRS supports requiring a special exception before the uses are permitted.

I. Summary of the Text Amendment

The proposed text amendments on the use of former public school buildings has a number of amendments. It recommends adding a new definition for "Community Service Use." It proposes to add a new residential district use that would allow four uses in any former public school building. The four uses are:

1. District Government agency use,
2. Medical and dental clinics;
3. Community service use; and
4. Office use of a not for profit organization.

The proposal also repeals Section 222, a section that provides for District of Columbia use of former public school buildings that are historic. Section 222 requires a special exception. Section 222 was adopted barely two-years-ago.

II. The Amendment is not Consistent with the Comprehensive Plan

Office of Planning (OP) asserts in the conclusion of the Final Report dated July 18, 2008, that "The proposed text amendments are not inconsistent with the Comprehensive Plan goals and objectives..." This assertion overlooks the plain language of the text of the Plan. There are three parts of the Comprehensive Plan that are ignored.

- A. The proposed amendments ignores EDU-1.5.5 on adaptive reuse of DCPS facilities by not providing for public review, in this case, public review by special exception.

"Policy EDU-1.5.5: Adaptive Re-Use

In the event that surplus DCPS facilities are converted to non-school uses, require the new uses to be sensitive to neighborhood context and to mitigate impacts of parking, traffic, noise, and other quality of life factors.

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Provide for public review of potential new uses, and ensure that any issues related to prior jurisdiction over the site by the federal government are addressed¹.” (emphasis added)

- B. The proposed amendment also ignores EDU-1.5.2 on the priorities to determine the reuse of surplus public schools. The priorities are reuse for educational purposes, reuses by DC government to strengthen families, and reuses that provide a public benefit such as DC government office or affordable housing. All of these uses are either DC government uses or public charter schools. The proposed amendments would allow strictly privately run uses contrary to this Policy in the Comp Plan.

“Policy EDU-1.5.2: Reuse of School Surplus Space

Consistent with the DC Municipal Regulations, use the following priorities to determine the future use of schools that are deemed surplus and turned over to the DC Office of Property Managements:

- a. First priority should be re-use for direct educational purposes, including Public Charter schools.
- b. Second priority should be for other District agency facilities that strengthen families, such as day care and early childhood development centers, job training, libraries, recreation centers, or health care.
- c. Third priority should be for other uses that provide a public benefit (such as District government administrative offices or affordable housing).”

- C. Finally the proposed amendment ignores the policy CH-1.1.9 that, for Capitol Hill, the use must protect the architectural resources and the reuse must be consistent with the density of surrounding uses. The proposed amendment will allow uses that are far more dense than the surrounding row house neighborhoods.

“Policy CH-1.1.9: Conversions of Non-Residential Structures

Allow the conversion of obsolete or vacant non-residential structures (including schools, churches, warehouses, and institutional uses) to housing, provided that important architectural resources are conserved and the resulting development is consistent in density with surrounding uses.”

III. The Amendment abrogates uses that now require a special exception.

The existing Zoning Regulations allow for a number of non-residential uses in a residential zone. However, a special exception is required to insure that the proposed non-residential use is compatible with the neighborhood. The relevant uses that require a special exception are:

¹ “When their jurisdiction was transferred to District in 1973, the transfers were typically made for “recreational” purposes. Such use constraints must be considered as school properties are re-purposed.” The Comprehensive Plan for the National Capital: District Elements, p. 12-14

1. Child/elderly development centers and adult day treatment facilities;
2. Public and private schools and staff residences;
3. Community centers;
4. Colleges and universities;
5. Clerical and religious group residences;
6. Church programs;
7. Non-profit organizations;
8. Youth residential care homes and community residence facilities;
9. Health care facilities;
10. Emergency shelters;
11. Rehabilitation and substance abusers' homes; and
12. District government agency.

The proposed regulations make a muddle of the regulations. Under the proposed regulations any of these uses will be able to go into a former public school building without a special exception but will need a special exception if it is not a former public school, but a firehouse, library, or private building.

The wisdom of requiring a special exception should be retained. The public policy reason is to insure that the non-residential uses are compatible with the residential neighborhood they are being dropped into. The fact that the proposed exception is for former public schools doesn't support overturning the public policy.

IV. The provision for "Office use of a not for profit organization is too broad.

The proposed amendment adds to section 201.1 a new paragraph. One of the new additions is for "Office use of a not for profit."² A search of the DC Yellow pages reveals that there are over 2000 not for profit organizations listed for the District of Columbia. In addition to these organizations, there are thousands more that would like to locate in the District of Columbia. Under the proposed amendment none of these not for profit organizations would have to have anything to do with the surrounding community. This is a recklessness amendment and full of opportunities for folly. It should be rejected.

V. The OP Final Report provides no grounds to support the amendments

The OP Final Report is a flimsy document. It has an Alice in Wonder Land quality to it. It is important to have strong support to dramatically upend how non-residential uses are introduced into a residential neighborhood and the OP report provides none of this support. As demonstrated above, the report ignores the clear requirements of the Comp Plan. The OP report does not address how this amendment exempts these uses from the requirement for a special exception. It is as if special exceptions don't exist..

² The new sub-paragraph is (v)(4).

The report tries to claim that the school closure meetings were meetings to review proposed adaptive reuse of the schools. This couldn't be further from the truth. No one was told that they would not have a further chance to comment on the proposed uses. Apparently the attendees should have been able to read OP's mind at these meetings and know this was their last chance to comment on new uses of the buildings. The OP report makes no comments about the not for profit organizations and confuses them with the community service use. The not for profit organization use allows for almost anything.

For some reason the city believes the rules are not for the city, just for someone else. The proposed amendment's lack of protection of the public's interest is unacceptable. The proposed amendment should be rejected or, in the alternative, be permitted as a special exception if approved by the Board of Zoning Adjustment under section 3104.