

EXHIBIT F

PRIVATE SCHOOL PLAN REQUIREMENTS

This application satisfies the requirements of Subtitle X, Sections 104-106 pertaining to a Private School Plan as follows:

- 104.1 – the application seeks a special exception subject to review by the Board and in conformance with Subtitle X, Chapter 9;
- 104.2 – as set forth above, this application is located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions;
- 104.3 – the New School and the Campus generally comply with the development standards of the underlying zones;
- 104.4 – the density for the New School is calculated in conformance with the Zoning Regulations;
- 105.1 – the Applicant has submitted all of the required information for a private school plan, and supplements its initial filing to note that pursuant to Section 105.1(d):
 - The activities to be conducted on the Campus shall include education and education-related student activities as well as the community uses of the Campus contemplated in the proposed conditions filed herewith as Exhibit D; and
 - The capacity of the present and proposed school development is 1200 students and 260 FTE faculty and staff.
- 105.2 – OP, DDOT, and DOEE have each had the opportunity to provide written reports on this application;
- 105.3 – the Applicant requests the Board base its decision on this application in accordance with the provisions set forth in this section (and articulated above with respect to the special exception requirements set forth therein);
- 106.1 – this section is in applicable to the instant proceeding because the application is not part of a campus plan or further processing review;
- 106.2 – this section is in applicable to the instant proceeding because the application is not part of a medical campus plan; and
- 106.3 – this application has been filed and prosecuted pursuant to Subtitle Y, Chapter 3.

OP REQUEST FOR INFORMATION

OP requested that the Applicant provide support from the Comprehensive Plan for the District of Columbia at Title 10-A of the District of Columbia Code of Municipal Regulations (“**Comprehensive Plan**” all following section references refer to Title 10-A), regarding the proposed demolition of a single-family rowhouse and a detached single-family house that are owned by the Applicant and located on the Campus. As articulated below, the Comprehensive Plan as a whole supports the demolition of the two single-family residence on the Campus. The Board is not bound to review this application in light of consistency with the Comprehensive Plan, and indeed has no clear regulatory justification under the Zoning Regulations or Subtitle Y more specifically for doing so, but this background information may be helpful for the Board.

A. Land Use Element

The Comprehensive Plan gives the greatest weight to the Land Use Element, which is the cornerstone of the Plan and which establishes the basic policies guiding the physical form of the city. 10-A DCMR § 300.1, 300.3.

- ***Policy LU-2.1.5: Conservation of Single Family Neighborhoods.*** Protect and conserve the District’s stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. 10-A DCMR § 309.10.

Relevance of the Application: One of the predominant and recurring guidestars of the Comprehensive Plan is the protection and conservation of existing single-family neighborhoods such as those immediately surrounding the Campus. The Applicant has taken significant measures and engaged in difficult revisions to its ordinary operations in order to conserve such surrounding neighborhoods. A crucial element of the Applicant’s conservation strategy is the provision of landscaped open space between the Campus activity zones and surrounding residential uses. The Applicant has embarked on a campaign of strategically acquiring surrounding residences when they go on the market for this purpose. Any requirement that the two single-family houses be retained rather than converted to a landscaped buffer frustrates this conservation strategy.

- ***Policy LU-2.1.6: Teardowns.*** Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock. *Id.* § 309.11.

Relevance of the Application: The Applicant highlights this objective merely to note that the instant proposal is not inconsistent with this policy. This objective suggests that homes not be torn down in favor of larger homes. The Applicant has no such plans for the two single-family houses on the Campus. Rather, following demolition those lots will remain largely free from new structures and entirely free from new residences.

- ***Policy LU-2.2.4: Neighborhood Beautification.*** Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting,

façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements. *Id.* § 310.5.

Relevance of the Application: The Applicant's plan for the Campus involves significant beautification elements including landscaping and tree planting in a manner consistent with this policy objective.

- ***Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas.*** Maintain zoning regulations and development review procedures that: (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood. *Id.* § 311.3.

Relevance of the Application: As noted above, the Applicant's proposed use of the two single-family house lots is to manage the interactions between the Campus and surrounding residential uses in such a way as to ensure compatibility between the uses. Accordingly, such proposed use is in accordance with this policy objective.

- ***Policy LU-2.3.3: Buffering Requirements.*** Ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaping, fencing, screening, height step downs, and other architectural and site planning measures that avoid potential conflicts. *Id.* § 311.5.

Relevance of the Application: This policy objective perhaps most strongly articulates the rationale for removing the two single-family houses on the Campus. The two lots containing such structures serve much better use as landscaping and buffering. Note also the difference in language between this policy objective and that in LU-2.1.4. That anti-demolition provision applies only "generally," whereas this condition is not so qualified and could be readily understood as applying in a more mandatory sense. Accordingly, compliance with this provision and modest inconsistency with LU-2.1.4 is warranted by the clear text of such provisions.

- ***Policy LU-2.3.5: Institutional Uses.*** Recognize the importance of institutional uses, such as private schools, child care facilities, and similar uses, to the economy, character, history, and future of the District of Columbia. Ensure that when such uses are permitted in residential neighborhoods, they are designed and operated in a manner that is sensitive to neighborhood issues and that maintains quality of life. Encourage institutions and neighborhoods to work proactively to address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion. *Id.* § 311.7.
- ***Policy LU-3.2.3: Non-Profits, Private Schools, and Service Organizations.*** 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. The zoning regulations should ensure that the expansion of these

uses is not permitted if the quality of life in adjacent residential areas is significantly adversely affected. *Id.* § 315.8.

Relevance of the Application: The provision of buffering on the two single-family house lots is necessary to maintain consistency with these two objectives. That is, in order to ensure that the Campus is “designed and operated in a manner that is sensitive to neighborhood issues and that maintains quality of life” and “planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities,” the Applicant requires the two lots to be used for lower intensity uses such as a play area and landscaping.

B. Other Citywide Elements of the Comprehensive Plan

- ***Policy PROS-1.2.1: Closing the Gaps.*** Achieve a better distribution of parks in all neighborhoods of the city. This will require a priority on improving or expanding parks in: (a) more densely populated neighborhoods with limited open space; (b) areas that are more than ½ mile from a neighborhood or community park (or a federal park that serves an equivalent function); (c) areas where substantial new housing growth is expected, based on the forecasts of the Comprehensive Plan; and (d) areas where the existing recreation centers and parks are in poor condition. *Id.* § 805.5.
- ***Policy PROS-4.2.1: Institutional Open Space.*** Encourage local institutions, such as private and parochial schools, colleges and universities, seminaries, hospitals, and churches and cemeteries, to allow the cooperative use of their open space lands for the benefit of District residents. *Id.* § 818.3.

Relevance of the Application: A portion of the area occupied by the two single-family houses will be used as a play area. As part of the conditions of the order for this application, the Applicant has agreed to allow community use of such play area. Such use is consistent with the above objective of infilling parking space within the exist fabric of the District where parks are not as common. The densely-populated residential neighborhoods bounded by River Road to the south, Wisconsin Avenue to the east, and Western Avenue to the north currently have no other community-serving play areas. These neighborhoods qualify as having “limited open space”.³ This application therefore fills an important gap for these neighborhoods. For similar reasons, this application is consistent with PROS-4.2.1, which encourages private schools to allow District residents to utilize otherwise private play areas.

- ***Policy PROS-1.3.2: Parks and Environmental Objectives.*** Use park improvements to achieve environmental objectives such as water quality improvement, air quality improvement, and wildlife habitat restoration. *Id.* § 806.4
- ***Policy PROS-4.3.3: Common Open Space in New Development.*** Provide incentives for new and rehabilitated buildings to include “green roofs”, rain gardens, landscaped open

³ Fort Reno, which is located east of Wisconsin Avenue has recreational amenities that serve a much different age group than that served by the proposed play areas on Campus that will be made available to community use. Moreover, Wisconsin Avenue is a busy artery and a barrier to families using such park space.

areas, and other common open space areas that provide visual relief and aesthetic balance. *Id.* § 819.5.

- ***Policy EDU-1.4.4: Eco-Friendly Design.*** Strongly support the use of green building, energy efficiency, and low-impact development methods in school construction and rehabilitation. *Id.* § 1206.6.

Relevance of the Application: Finally, the landscaping on the single-family residential lots will be put to productive environmental use in accordance with the three objectives identified above.

C. Rock Creek West Area Elements of the Comprehensive Plan

- ***Policy RCW-1.1.1: Neighborhood Conservation.*** Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods. *Id.* § 2308.2.
- ***Policy RCW-1.1.4: Infill Development.*** Recognize the opportunity for infill development within the areas designated for commercial land use on the Future Land Use Map. When such development is proposed, work with ANCs, residents, and community organizations to encourage projects that combine housing and commercial uses rather than projects that contain single uses. Heights and densities for such development should be appropriate to the scale and character of adjoining communities. Buffers should be adequate to protect existing residential areas from noise, odors, shadows, and other impacts. *Id.* § 2308.5.
- ***Policy RCW-1.1.8: Managing Institutional Land Uses.*** Manage institutional land uses in the Rock Creek West Planning Area in a way that ensures that their operations are harmonious with surrounding uses, that expansion is carefully controlled, and that potential adverse effects on neighboring properties are minimized. Ensure that any redevelopment of institutional land is compatible with the physical character of the community and is consistent with all provisions of the Comprehensive Plan and the underlying zoning rules and regulations. Densities and intensities of any future development on such sites should reflect surrounding land uses as well as infrastructure constraints and input from the local community. *Id.* § 2308.9.

Relevance of the Application: These three objectives of the Area Element are largely similar to those in LU-2.1.5 (regarding neighborhood conservation), LU-2.3.3 (regarding buffering requirements) and LU-2.3.5 and LU-3.2.3 (regarding institutional uses). For the reasons cited above, the removal of the two single-family houses on the Campus is not inconsistent with these three policy objectives.

D. Conclusion

The plans to demolish the two single-family houses on the Campus is entirely consistent with the Comprehensive Plan. The DC Court of Appeals has recently provided clear guidance on

determining consistency with the Comprehensive Plan. The Court of Appeals dictates that consistency with the Comprehensive Plan must be evaluated in the context of consistency with the Comprehensive Plan *as a whole* rather than with the individual objectives of the plan.⁴ The instant proposal satisfies that standard for the reasons given above.

The Applicant does not discern any objective or requirement in the Comprehensive Plan to maintain all existing units of market rate housing, to avoid any conversion of housing to other uses, to avoid any net loss of market-rate single family dwellings, or to maximize the overall number of single-family dwellings in the marketplace. In any event, the effect of the instant proposal—the loss of two units—is *de minimis* in light of the size of the single-family residential market broadly. For these reasons, the application’s proposed demolition is consistent with the Comprehensive Plan.

⁴ See *Friends of McMillan Park v. Zoning Comm’n*, 149 A.3d 1027, 1034 (D.C. 2016) (“The Comprehensive Plan reflects numerous occasionally competing policies and goals, and, except where specifically provided, the Plan is not binding.”) (citations omitted). Accordingly, a District decisionmaker evaluating a proposal in light of the Comprehensive Plan must “balance competing priorities” to determine whether the proposal is “consistent with the Comprehensive Plan *as a whole*.” *Id.* (emphasis supplied).