DRAFT RESOLUTION ON COMMISSIONER MACWOOD’S POST HEARING SUBMISSION IN THE MATTER OF BZA CASE NO. 20458, THE WASHINGTON INTERNATIONAL SCHOOL’S APPLICATION FOR A SPECIAL EXCEPTION

Whereas, the D.C. Board of Zoning Adjustment (BZA) decided to keep the record open in Case No. 20458 involving the Washington International School’s (School) application for a Special Exception for the limited purpose of receiving a post hearing statement from the applicant on compliance with the conditions of past zoning orders and the ANC 3C’s response to that submission; and

Whereas, the BZA initially did not ask ANC 3C Commissioner MacWood, who was authorized to represent the ANC on the matter, to seek additional ANC support for a response but later determined that ANC consideration was necessary for the response to receive great weight; and

Whereas, the response focused partly on two of the twelve conditions in BZA Order No. 17560 dated March 8, 2007 that required the maintenance of an ongoing liaison with the community “of the type contemplated by a written agreement with Friends of Tregaron” [[1]](#footnote-1)and for the community liaison to have access to annual data showing the total number of staff and faculty In January of each year[[2]](#footnote-2); and

Whereas, the applicant’s post hearing submission stated that the Tregaron Conservancy served as the ongoing liaison with the community and that the Conservancy receives the staff and faculty counts each year; and

Whereas, the referenced written agreement with Friends of Tregaron, a group of neighbors organized in part to liaison with the School, was an April 28, 2005 agreement among Washington International School, Friends of Tregaron and ANC 3C09. It covered zoning limits on number of students and faculty and staff, discouragement of school-related parking on Macomb Street, traffic control at the School’s Macomb Street entrance, number of events and mitigation on the neighborhood impacts, on-site parking spaces and mitigation of light effects on the neighborhood, the creation of a Neighborhood Construction Liaison Committee to preview construction activities and resolve objectionable conditions related to the construction, a timeline for sharing lists of scheduled activities and events, numbers of students and faculty/staff and the process for the Friends of Tregaron to address and resolve concerns with the School – all topics of on-going interest and concern in the neighborhood that Friends of Tregaron sought to address; and

Whereas, a subsequent agreement entered into in February 2006 among the Washington International School, Friends of Tregaron, and Tregaron Limited Partnership (TLP), a private owner of a portion of Tregaron, outlined how long standing opposition to the private development of 14 acres of the Tregaron historic landmark property would be resolved with the distribution of the 13 acres to the School and to a new conservancy entity that would own, rehabilitate, maintain, and operate the conserved land in order to preserve its significance as a historic designed landscape; and

Whereas, the Articles of Incorporation for the Tregaron Conservancy state its purpose is to operate exclusively for charitable and educational purposes “including but not limited to promoting the rehabilitation, preservation and maintenance of the historic landscape…commonly known as the Tregaron Estate for the use by and education of the general public”; and

Whereas, the Articles of Incorporation provide at Section 15 that if two thirds of the Conservancy Board of Directors votes affirmatively it may engage in activities not directly relating to rehabilitating, preserving, and maintaining the Tregaron Estate, but at Section 15.7 (b) and (c) there is a stipulation that any proposed engagement that would “materially restrict or interfere with the Washington International School from using its properties in the manner and for the purposes for the Washington International School is organized and operated” can only be undertaken if the two thirds affirmative Board vote includes all of the Board members appointed by the School; and

Whereas, the Conservancy Board has not initiated any activity, such as forming a neighborhood liaison committee or meeting with neighborhood residents on School-related concerns that would require a vote of its Board of Directors in compliance with Section 15 of its Articles of Incorporation, but further and importantly the zoning condition applies to the School, not the Conservancy, and requires the School to maintain a liaison group and the School has no authority to determine the activities of or maintain the Tregaron Conservancy, which is an independent body controlled by a Board of Directors; and

Whereas, understanding the above Commissioner MacWood commented to the BZA that the Tregaron Conservancy’s mission did not permit it to be an on-going representative of the neighborhood as Friends of Tregaron had been on matters related to the School and thus, Condition #5 had not been implemented since no neighborhood liaison had been created or was being maintained by the School; and

Whereas, Commissioner MacWood added that Condition #6 had also not been met since there was no community liaison group receiving information about annual numbers of students and faculty/staff; and

Whereas, Commissioner MacWood stated the Condition #7 requiring the development and implementation of a traffic management plan (TMP) presumed that the School would implement a student car ID to be displayed in or on student cars parked on Macomb Street as ANC 3C had recommended and as the Head of School and the School’s counsel testified would be implemented as part of the TMP whether included as a condition or not. Commissioner MacWood’s submission included relevant sections of the hearing transcript that showed the BZA members relied on the assertions of the School representatives that they would implement the ID requirement as part of the TMP and that no condition was necessary to guarantee its implementation, but it has not been implemented:

Be It Resolved that ANC 3C agrees with the conclusions of Commissioner MacWood based on the series of whereas provisions in this resolution and endorses her June 21, 2021 post hearing submission to the BZA.

Be It Resolved that the Chair and Commissioner MacWood, ANC 3C09, are authorized to represent the commission on this matter.

1. BZA Summary Order No. 17560, Condition 5. The School shall maintain an on-going liaison with the community of the type contemplated by a written agreement with Friends of Tregaron or by equivalent means. [↑](#footnote-ref-1)
2. Condition 6. The School shall maintain records documenting the total number of staff and faculty. The records shall be available for review by the community liaison by the first week of January each year. [↑](#footnote-ref-2)