

PRE-HEARING STATEMENT

On November 1, 2021, the Maret School (“**Maret**” or “**Applicant**”) submitted an application to the Board of Zoning Adjustment (“**BZA**” or the “**Board**”) for approval of athletic facilities for a private school on a portion of the property located at 5901 Utah Avenue, NW (Square 2319, Lot 832) (the “**Property**”).

Since filing the application, Maret has continued its extensive community outreach, agency coordination, and refinement of the plans for the athletic facilities. This pre-hearing statement (the “**Statement**”) summarizes those outreach and coordination efforts, explains the changes made to the plans and operations of the athletic facilities in direct response to comments from ANC 3/4G Commissioners, members of the surrounding community, and District agencies, and reiterates how the application satisfies the requirements of the Zoning Regulations for the requested special exception approvals.

I. History of Relationship between the Episcopal Center for Children and Maret

The Episcopal Center for Children (“**ECC**”) has owned the property located at 5901 Utah Avenue, NW (Lots 831 and 832 in Square 2319) since 1930. Most recently, ECC operated a K-8 school with an integrated day treatment program for children facing severe emotional challenges who cannot attend public schools and need focused one-to-one help to succeed. In 2019, ECC informed the surrounding community that they were ceasing services and looking at options to allow them to reopen. In December of 2020, ECC and Maret released a joint statement on neighborhood listservs noting that they were in discussions to establish a partnership for athletic field space on the Property (the “**Athletic Facilities**”). In February of 2021, ECC and Maret signed an agreement that allowed for the development of the Athletic Facilities and a 50-year lease of the Property to Maret.

ECC expects that the income from this lease agreement with Maret will allow the ECC to re-start their educational services in their three buildings at 5901 Utah Avenue, NW and remain an important educational institution in the neighborhood that they have called home for over 60 years.

II. Outreach and Feedback

Since the filing of the BZA application, ECC and Maret have been actively engaged in a wide range of community outreach efforts to ensure that neighbors and interested stakeholders were provided multiple opportunities to learn about the project, ask questions, and provide meaningful input and feedback. As detailed in Exhibit A, these meetings included small-group gatherings on-site and at the homes of the adjacent neighbors, numerous online information and listening sessions, and several one-on-one discussions with adjacent and nearby property owners. In addition, these outreach efforts included specific design-focused and transportation-focused “office hours” sessions that provided neighbors with direct access to key members of the project team. In direct response to requests from the community, the Maret team developed a 3D digital model to help neighbors visualize the proposed Athletic Facilities in the context of the surrounding built environment.

Maret also established a dedicated project website, which provides a wide range of resources including interactive images from the digital 3D project model, filing and submission materials, meeting presentations and video recordings, information about upcoming meetings and engagement opportunities, and FAQs. The website also features a *community input portal*, where neighbors and interested stakeholders can easily submit questions or comments directly to the project team. To date, responses to nearly 150 questions and comments have been posted on the website, ensuring full transparency and also allowing members of the community to benefit from reviewing and understanding the perspectives of their neighbors. A compilation of these comments and responses is attached as Exhibit B.

In response to a comment received in the community input portal, the Applicant hereby submits an updated description of the Property and the Surrounding Area, with the additional language underlined and in bold below:

The Property is bound by Nebraska Avenue, NW and an alley that serves properties that have frontage along Utah Avenue, NW, Rittenhouse, Street, NW and 28th Street, NW. The Property is comprised of approximately 5 acres and is located in the R-1-B Zone District. Single-family homes are located at **5860 and 5864 Nebraska Avenue, NW**, across Nebraska Avenue, NW from the Property, adjacent to the Property along 28th Street, NW and Utah Avenue, NW, and across the alley from the Property with frontage on Rittenhouse Street, NW. The Property currently includes significant topographical changes, with a grade change of approximately 35 feet from a high-point at the northwest corner of the property to a low-point at the southeast corner of the property. The Property currently has a curb cut from Nebraska Avenue, NW and vehicular access from the internal alley system in Square 2319.

Since the filing of the application, Maret representatives also made presentations and listened to community comments during public meetings of ANC 3/4G on: January 10, 2022, February 1, 2022, and February 14, 2022. ANC 3/4G has also scheduled additional meetings on February 16, 2022 and February 24, 2022 in which this application will be addressed and Maret representatives will participate.

III. Summary of Modifications to the Site Plan for the Athletics Facilities and Proposed Use of the Athletics Facilities in Response to Comments Received

As a result of the process described above, Maret has affirmed its commitments and made significant changes to the site plan and operations of the Athletic Facilities in direct response to input and feedback from members of the community – including members of the Party in opposition (Friends of the Field “**FoF**”) and ANC 3/4G. The Plans have been designed to balance multiple, sometimes competing, interests: (1) Maret’s athletic program needs; (2) neighborhood and community interest in providing fields for youth sports programs, ECC and DCPS students, and community use; and (3) adjacent and nearby property owner concerns regarding impacts associated with the athletic field use. These commitments and modifications are reflected in the updated plans attached as Exhibit C (the “**Plans**”). Images of the proposed Athletic Facilities from the 3D digital model described above are also included in Exhibit C.

The Plans included in Exhibit C include the following changes made in response to the dialogue with the community noted above:

Site Design and Stormwater Management

- Locations and heights of retaining walls have been reconfigured to minimize visual impact on nearby properties;
- Perimeter landscape buffer has been significantly enhanced with the inclusion of more mature trees (including evergreens) and vegetation;
- The perimeter fencing has been enhanced from chain link to an aluminium picket fence;
- Reduction in the height of the netting along the Rittenhouse alley frontage;
- Change in color of the support poles for the netting to minimize visual impact;
- The height of the scoreboard was reduced by eight feet and its location was moved from the center of the Rittenhouse alley frontage to the northwest corner of the site, buffered by the relocated Heritage Trees;
- Trash collection moved away from the Utah Avenue alley and Utah Avenue neighbors to a more interior location near the parking area;
- Relocating the proposed bullpens, batting cages, and storage structures further away from the adjacent properties towards the interior of the site;
- Enhanced design of integrated stormwater management system to significantly improve the existing stormwater conditions for neighboring properties;
- The proposed rain garden shifted further away from the 5860 Nebraska Avenue property and more towards the interior of the site;
- Maret has agreed to use removable football goal posts; and
- Creation of an open green space amenity (approximately 9,800 sf) for community use at the site of the relocated Heritage Trees in the northwest corner of the site.

Facility Use

- Reduced hours of proposed use by youth sports groups;
- Reiteration of commitment that no use of amplified sound will occur and the visitors/spectators will not be allowed to use artificial noisemakers such as cowbells or airhorns; and
- Commitment of no lights on the athletic fields, with limited security lighting of the parking area and field house.

Transportation and Parking

- Revisions to the location of the parking spaces in order pull them further away from Nebraska Avenue and outside of the Building Restriction Line;
- Reduction of the width of the proposed curb cut on Nebraska Avenue to 24 feet;
- Elimination of the curb cut on the ECC property closest to the proposed parking area;

- Located bike racks to the interior of the site to promote alternative modes of transportation; and
- Adoption of policies to promote non-auto travel, including an updated Operations Management Plan, and proposed infrastructure improvements.
- Shifted location of the proposed bus pick-up/drop-off (PUDO) on Nebraska Avenue to the west to improve sight lines.

IV. Satisfaction of the Special Exception Requirements

A. Private School Use and Private School Plan – Subtitle U Section 203.1(m) and Subtitle X Section 104

The Board may approve a special exception for private education use in the R-1-B Zone if it finds that the proposed use will not create objectionable impacts on adjoining and nearby properties due to noise, traffic, number of students, or otherwise objectionable conditions. In addition, the Board shall determine that ample parking spaces are provided to accommodate the students, teachers, and visitors likely to come to the site. The information provided below addresses specific issues that have raised by members of the ANC and the community since the application was filed. This information is intended to supplement the materials provided in the November 1, 2021 application regarding the Applicant’s satisfaction of the special exception standards.

1. Noise

The Applicant has proposed conditions that will significantly reduce the noise that is generated on the athletic fields (specifically, no amplified sound or music and no artificial noisemakers), has enhanced the landscape buffering surrounding the fields, and is limiting use of the field to daylight hours. In response to questions raised as to whether the proposed use will violate the requirements of the DC Municipal Regulations with regard to noise in a residential area, Maret engaged Phoenix Noise & Vibration, LLC to prepare a review of the proposed Athletic Facilities. The report from Phoenix Noise & Vibration, LLC (attached as Exhibit D) concludes:

The proposed Maret School athletic fields in northwest Washington, D.C. are not expected to conflict with the noise level requirements of the DCMR. The proposed use of the athletic fields will consist of baseball, football, lacrosse, and soccer events without amplified noise sources. According to the DCMR, unamplified noise sources are not required to comply with the decibel limits established within Table 1. Therefore, under the proposed conditions it is expected the athletic fields will comply with the DCMR noise level requirements.

As a result of these actions, the proposed use of the Athletic Facilities will not create objectionable impacts on nearby properties due to noise.

2. Traffic

In addition to the approximately 48 parking spaces to be provided on the Property, a 100 foot pick-up/drop-off (PUDO) zone is proposed on Nebraska Avenue along the Property’s street

frontage. The PUDO zone will be used to accommodate buses from Maret and visiting schools, and when not occupied by buses will be used for parents picking up or dropping off children at the Property.

Maret has proposed a Transportation Demand Management Plan and Operations Management Plan (as described on pages 21-22 of the Comprehensive Transportation Review (“CTR”) submitted into the record on January 21, 2022 as Exhibit 97A1, which includes the following components:

- i. Provide a minimum of six short-term bicycle racks (12 spaces) on the site.
- ii. Subject to DDOT approval, designate a bus drop-off/pick-up zone on Nebraska Avenue.
- iii. Implement the following policies to reduce single-occupancy vehicle trips to Athletic Facilities Project:
 - During the school year, all Maret team members and most coaches will be required to travel to and from the Athletic Facilities Project by bus for practices, except team members who live in the neighborhood who may bike or walk to practice, team members who use Metrobus, and up to five coaches who may drive to/from the Athletic Facilities Project.
 - During the school year, all Maret and visiting team members and most coaches will be required to travel to and from the Athletic Facilities Project by bus for games, except team members who live in the neighborhood who may bike or walk to practice, team members who use Metrobus, and up to five coaches who may drive to/from the Athletic Facilities Project. Team members whose parents or guardians attended the game may leave the Athletic Facilities Project with their parents or guardians.
 - During the pre-season, most Maret team members and coaches will be required to travel to the Athletic Facilities Project by bus, except team members who live in the neighborhood who may bike or walk to practice, team members who use Metrobus, and up to 12 team members and five coaches who may drive to/from the Athletic Facilities Project for both the morning and afternoon practice sessions.
 - Visitors to the Athletic Facilities Project will be encouraged to use the nearby Metrobus M4 line, providing connectivity to the Tenleytown Metrorail Station.
- iv. Provide notification to Maret parents, visiting teams, and all outside users of the fields the following information:

- When the on-site parking lot is full, park only in legal on-street parking spaces (i.e., do not block driveways or park in alleys) and obey any parking restrictions in place; and
 - Obey all traffic laws when travelling to/from the site.
- v. Provide flaggers in the parking lot to direct traffic to available parking lot spaces during games and practices in which the parking lot is expected to be at or near capacity.
- vi. Restrict trash and recycling pick up during the following hours:
- Between 9:00 p.m. and 7:00 a.m. in accordance with DCMR 20-2806
 - During the school year, from 3:00 p.m. to 5:00 p.m. on weekdays and from 10:00 a.m. to 5:00 p.m. on Saturdays
 - During the summer months, no trash pickup shall occur before 9:00 a.m. or after 3:00 p.m. on weekdays or from 10:00 a.m. to 5:00 p.m. on Saturdays.
 - No pick up on Sundays.

The implementation of the proposed TDM and Operations Management Plans will mitigate any potential objectionable impacts on neighboring property due to traffic.

3. Number of Students

As noted in the initial statement, the maximum number of Maret students practicing or playing on the fields at any one time is not expected to exceed 50-60 players. During the outreach period described above, Maret representatives have heard that the proposed use of the fields, by Maret and youth sports groups, is too intense. In response to this claim, Maret has prepared a series of charts and pie graphs (attached as Exhibit E) that depict the actual amount of use that will occur on the fields. This use is shown during various seasons, at various times of the day, and by various users. As shown in the attached pie charts, during the academic year, the athletic fields will be open (meaning no scheduled use by Maret or youth sports groups) 66% of the hours between 8:00 am – 7:00 pm. For the entire year, the athletic fields will be open (meaning no scheduled use by Maret or youth sports groups) 64% of the hours between 8:00 am – 7:00 pm.

The proposed use of the Athletic Facilities will not create objectionable impacts on nearby properties due to the number of students.

4. Other Objectionable Conditions

Maret representatives have been working with ANC 3/4G Commissioners on a series of draft conditions that will guide the development of the Athletic Facilities, the management of the construction of the Athletic Facilities, and the ultimate operations of the Athletic Facilities. The Applicant and ANC 3/4G expect that the final version of the conditions of BZA approval will be

agreed upon and ratified by the ANC in their resolution filed in this case. These conditions will help mitigate any other potential objectionable impacts that may arise as a result of the use and operations of the Athletic Facilities.

The Applicant and its civil engineering team have been extremely diligent in addressing stormwater management issues related to the Athletic Facilities. The Property currently does not have any stormwater management facilities. There are no drain inlets, no storm pipes, no diversion dikes, or any other features to divert the stormwater that runs from the northwest corner of the site to the east and onto adjacent properties. The design, development, and construction of the Athletic Facilities will be subject to the requirements of the District's Department of Energy and Environment's ("DOEE") strict Stormwater Management Guidebook (dated January 2020). Based on feedback received from the ANC and adjacent property owners, the drainage system has been designed to meet a 25-year storm event, which is over and above DOEE's requirements.

There are two distinct areas of the Property that will be designed to include stormwater infrastructure. The first area is the parking lot, and the second area is the proposed field. Pursuant to the requirements noted above, the parking lot area will be required to retain a 1.2 inch storm event. This will be achieved with the installation of a bio-retention facility. All of the stormwater from the parking lot will flow into the proposed bio-retention facility, which has been sized according to the DOEE requirements. This stormwater will be retained and used by the plants in the engineered soil. The athletic field area will be constructed with a permeable artificial turf which allows for the infiltration of stormwater into a 6 inch gravel layer under the artificial turf. Drain pipes are located below the gravel layer and are used to detain the water for 36 to 48 hours after a 1.2 inch storm event. In an extreme storm event, when the field and gravel become saturated, the grade of the field and adjacent areas directs the water into an inlet and holding pipes.

The actions taken by the Applicant and its civil engineering team, including the design of the stormwater management infrastructure beyond what is required by DOEE, will prevent the occurrence of any objectionable impacts on nearby properties due to stormwater runoff.

5. Ample Parking Space is Available on the Property and On Adjacent Streets to Accommodate the Students, Teachers, and Visitors Likely to Come to the Property by Automobile

Approximately 48 surface parking spaces are provided on the Property, with access via a new curb cut on Nebraska Avenue. The Zoning Regulations require a minimum of 23 parking spaces for the Athletics Facilities. The Applicant has filed for conceptual design review approval of the proposed curb cut and has satisfactorily addressed all agency comments. ANC 3/4G adopted a resolution in support of the conceptual design review application for the curb cut on February 14, 2022. The Public Space Committee is scheduled to review the conceptual design review application for the curb cut on February 24, 2022.

The CTR includes an analysis of the on-street parking availability within ¼ mile of the Property. That analysis determined that during both the peak weekday and Saturday parking demand only 44% of the available on-street parking spaces were utilized. Specifically, 655 on-street parking spaces were available during the peak weekday demand period and 659 on-street

parking spaces were available in the peak Saturday period. Therefore, the Applicant's traffic consultant concluded that sufficient on-street parking is available to accommodate overflow parking demand for certain games/practices where the number of parked vehicles is expected to exceed the on-site parking supply.

B. Satisfaction of the Location of Vehicular Parking Space Special Exception Standards of Subtitle C Section 710.3

The Applicant's satisfaction of the special exception criteria for the location of the proposed parking spaces was addressed in detail in the November 1, 2021 application materials. Since that submission, the Applicant has moved all of the proposed parking spaces outside of the building restriction line along Nebraska Avenue. This has allowed for additional landscape screening and buffering along Nebraska Avenue, which further enhances the Applicant's satisfaction of Subtitle C, § 710.3(c).

C. Satisfaction of General Special Exception Criteria

The requested relief is in harmony with the general purpose and intent of the Zoning Regulations as required by 11-X DCMR § 901.2(a). The continued use of the Property, and the adjacent ECC property, for private school use by both ECC and Maret is entirely consistent with the Comprehensive Plan's Future Land Use Map's inclusion of the Property (and the adjacent ECC property) in the Institutional Land Use Category. As noted above, the partnership between ECC and Maret allows ECC to remain a vibrant and valued institution in the community and allows Maret to satisfy its programmatic need for athletic field space and support is core academic mission.

As detailed in this Statement and the initial application materials, the development and use of the Athletic Facilities will not tend to affect adversely the use of adjoining and nearby property and Maret has met all of the special exception standards for the private school use and private school plan approvals, as well as the special exception standards for the location of the parking spaces on the Property. Therefore, the requirements of 11-X DCMR §§ 901.2(b) and 901.2(c) are satisfied.

V. Conclusion

The Applicant's burden of proof is to demonstrate that the Athletics Facilities that are proposed in this application will have no objectionable impacts – a lack of undue adverse impacts – on adjoining and nearby property due to noise, traffic, number of students or other objectionable conditions. Maret has diligently listened, responded, and revised the plans for the Athletic Facilities and has reduced the intensity of use of the fields in response to the concerns raised by members of the community and ANC 3/4G. All of these changes, as detailed in this Statement, will effectively mitigate the potential impacts of the Athletic Facilities and ensure there are no objectionable conditions for neighboring properties.

Maret has met its burden of proof. Therefore, Maret requests the Board approve the special exceptions requested in this application. Maret looks forward to presenting this information to the Board on March 9, 2022.