

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MARCH 9, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- FREDERICK L. HILL, Chairperson
- LORNA JOHN, Vice Chairperson
- CARL BLAKE, Board Member
- CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBER[S] PRESENT:

- ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

- STEPHEN COCHRAN
- ANNE FOTHERGILL
- JONATHAN KIRSCHENBAUM
- KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from  
the Regular Public Hearing held on March 9, 2022.

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P-R-O-C-E-E-D-I-N-G-S

10:06 a.m.

VICE CHAIRPERSON JOHN: Thank you, Mr. Chairman.  
Mr. Moy, could you call the next case, please. Mr. Moy?

MR. MOY: Yes, I'm here. I'm just pulling my --

VICE CHAIRPERSON JOHN: Thank you. I wasn't sure  
you could hear me.

MR. MOY: No. I hear you loud and clear. Okay.  
Let's see so we have. Okay. This is Case Application Number  
20449 of PD 236 Properties, LLC. This application, as  
amended, is for a special exception from the rear yard  
requirements of Subtitle E, Section 306.1, lot occupancy  
requirements of Subtitle E, Section 304.1 and the area  
variance from the lot occupancy requirements of Subtitle E,  
Section 304.1 for the rear deck addition pursuant to Subtitle  
E, Section 5201, Subtitle X, Section 901.2, Subtitle X,  
Section 1002.

This would raze the existing building and  
construct a new attached principal dwelling unit with a rear  
deck addition in the RF-1 Zone. The property is located at  
1173 3rd Street Northeast.

The preliminary matter here, Madam Chair, is that  
the applicant filed a motion for continuance and in the  
record there is also a letter in support of that motion from  
ANC 6C.

1 VICE CHAIRPERSON JOHN: Thank you, Mr. Moy. Mr.  
2 Young, the Board will not take any testimony on this motion  
3 to continue so there's no need to let the parties in.

4 So I have reviewed the record and the applicant's  
5 motion to continue and the ANC's consent to the request for  
6 postponement. So in that case the Board will grant the  
7 motion to postpone. And, Mr. Moy, I note that the ANC is  
8 asking for a date, while the ANC is not available on May 18  
9 or the 25th.

10 So can you see, Mr. Moy, what dates we have  
11 available? I would think sometime in June might be  
12 appropriate.

13 MR. MOY: Yes, yes, I agree, Madam Chair. So I  
14 would suggest for the Board that the Board continue this  
15 application to June the 15th.

16 VICE CHAIRPERSON JOHN: Okay. Thank you. So the  
17 case is continued to June 15. Thank you, Mr. Moy.

18 MR. MOY: Thank you.

19 VICE CHAIRPERSON JOHN: Chairman Hill?

20 BZA CHAIR HILL: That was fast. I went to just  
21 grab a coffee, and I didn't even hear what happened.

22 VICE CHAIRPERSON JOHN: I am very fast, Chairman  
23 Hill.

24 BZA CHAIR HILL: Okay. What happened? Where do  
25 I put this now? What did you guys do?

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1 VICE CHAIRPERSON JOHN: It's continued to June.

2 BZA CHAIR HILL: June.

3 VICE CHAIRPERSON JOHN: Yes.

4 BZA CHAIR HILL: Is there a date, Mr. Moy?

5 VICE CHAIRPERSON JOHN: Mr. Moy, do you have a  
6 date? We lost Mr. Moy.

7 MR. MOY: Yes, I'm here. It was rescheduled to  
8 June, rescheduled to June 15.

9 BZA CHAIR HILL: Okay. Just because I need to  
10 file it and continue to know I'm not on it. Mr. Moy, you can  
11 call our next one.

12 MR. MOY: Okay. Let's see. All right.  
13 Application Number 20559 of William and Susan Nash. This is  
14 an application for special exception from the lot occupancy  
15 requirements, Subtitle E, Section 304.1 pursuant to Subtitle  
16 E, Section 5201, and Subtitle X, Section 902.1.

17 This would construct a rear, 3-story addition to  
18 an existing attached 4-story with basement principal dwelling  
19 unit in the RF-1 zone. The property is located 638 East  
20 Capitol Street Northeast, Square 868, Lot 66. And that's it  
21 for me.

22 BZA CHAIR HILL: Okay. Sorry. Mr. Sullivan, can  
23 you please introduce yourself for the record?

24 MR. SULLIVAN: Yes, Mr. Chair. Thank you. Marty  
25 Sullivan with Sullivan & Barros on behalf of the applicant.

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1           BZA CHAIR HILL: Okay. Mr. Sullivan, if you would  
2 do me a favor and kind of walk through this application as  
3 expeditiously as possible. We have a really big today. And  
4 so if you could tell us why you believe your client is  
5 meeting the criteria for us to grant the relief requested.  
6 And you can begin whenever you like.

7           MR. SULLIVAN: Okay. Thank you. We do have a  
8 PowerPoint if that could be loaded although this one may have  
9 been filed late so we may need to ask for that to be accepted  
10 into the record. I'm sorry.

11           BZA CHAIR HILL: That's all right. Let me just  
12 check that.

13           MR. SULLIVAN: Oh, there it is, yes.

14           BZA CHAIR HILL: Okay. I do see that. And unless  
15 the Board has any issues, I would like to see the PowerPoint  
16 into the record. So please allow that into the record. And  
17 please begin, Mr. Sullivan.

18           MR. SULLIVAN: So thank you, Mr. Chair. And with  
19 us here, too, as well is the architect, and I am instructing  
20 her according to your directions to go as expeditiously as  
21 --

22           BZA CHAIR HILL: Keep going, Mr. Sullivan.  
23 (Simultaneous speaking.) Got you.

24           MR. SULLIVAN: Okay. But right here on the cover  
25 page is a good explanation of what the addition is. It's a

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1 small addition for what would be called three stories because  
2 the -- and from the front of the building, the cellar is more  
3 than 5 feet out of the ground. So it's a 4-story building.  
4 And that screen porch you see there in the back used to be  
5 two stories, but the neighbor to the left had concerns about  
6 that and so the applicant removed that from the original  
7 application.

8 So if we could go to the next slide.

9 BZA CHAIR HILL: Go back to the right. I was  
10 trying to figure out, what's that to the right of the  
11 property, in 636?

12 MR. SULLIVAN: That's the other property. That's  
13 an addition on their side. We can see that in a photo.

14 BZA CHAIR HILL: Okay. All right. Okay. Great.  
15 Thank you.

16 MR. SULLIVAN: Next slide, please. So this is RF-  
17 1. The ask is to go from 64.6 percent lot occupancy to 68.6  
18 percent.

19 Next slide, please. We have the support of the  
20 ANC 6C, both adjacent neighbors and other letters of support  
21 and the Office of Planning.

22 Next slide, please. So there's a photo that you  
23 can see what that is to the right. And the white second  
24 story porch you see is on the applicant's property. And then  
25 the other picture is a photo looking out towards the rear.

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1           Next slide, please. These are the photos -- and  
2 I'll turn it over to Ms. Whitmore. Ellen, if you could go  
3 through these quickly, please.

4           MS. WHITMORE: Right. So the bottom left photo  
5 is showing the rear of the principal building. We're going  
6 to be removing all of the things in white and below. That's  
7 a breakfast room that's currently -- it was an addition on  
8 the back of the original property.

9           The photo on the lower right is looking towards  
10 the rear of the garage. We're going to be removing the 1-  
11 story section on the left part of the garage in order to make  
12 up some room on the lot coverage.

13           The array of photos on the top is looking out onto  
14 the neighbor's property. That part you were talking about  
15 from the first page, this is showing the solar array that  
16 we're trying to have no impact on the solar access to that.  
17 And there's also a visible beyond that. Next to our garage  
18 in the back, there's another solar array that we will not be  
19 impacting.

20           Next slide. This is just a site plan showing the  
21 --

22           BZA CHAIR HILL: Ms. Whitmore?

23           MS. WHITMORE: Yes?

24           BZA CHAIR HILL: I'm going through you guys' slide  
25 deck.

1 MS. WHITMORE: Okay.

2 BZA CHAIR HILL: And, Mr. Sullivan, I think the  
3 slide deck is very helpful. And I'm going to just get us  
4 down to Slide 21 and kick it back over to you, Mr. Sullivan.

5 MR. SULLIVAN: Okay. Thank you.

6 BZA CHAIR HILL: And then I'll let my fellow Board  
7 members go through the slide deck. And if they have  
8 questions after we get through this, we can do that. If you  
9 can go to 21, Mr. Young?

10 MR. SULLIVAN: And I assume 21 is the general  
11 requirements so I'll get started on that.

12 We meet the general requirements. This is clearly  
13 in harmony with the general purpose and intent of the zoning  
14 regulations and maps and will not tend to affect neighboring  
15 properties. As mentioned, we came to an agreement with the  
16 neighbor to the left and a significant revision was done to  
17 remove the second story from the screened porch.

18 Therefore, regarding the specific criteria, light  
19 and air, as shown on our shadow studies is not unduly  
20 affected, privacy as well. Privacy was the issue with the  
21 second story screened porch. That was removed. So that  
22 issue has been resolved.

23 And as viewed from the street or alley as well,  
24 it does not obviously intrude upon character, scale and  
25 pattern. Thank you.

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1 BZA CHAIR HILL: Okay. Great. Thank you, Mr.  
2 Sullivan. Can you drop that slide deck, Mr. Young, if you  
3 don't mind? Thank you. May I turn to the Office of  
4 Planning?

5 MS. FOTHERGILL: Good morning. For the record,  
6 I'm Anne Fothergill with the Office of Planning. And the  
7 Office of Planning recommends approval of BZA Case 20559 and  
8 finds it meets the special criteria of Subtitle E, Section  
9 5201, as well as the special exception criteria of Subtitle  
10 X, Chapter 9. And I will rest on the record in support. And  
11 I am happy to take any questions. Thanks.

12 BZA CHAIR HILL: All right. Thanks, Ms.  
13 Fothergill. Good morning to you as well. Mr. Young, is  
14 there anyone here who wishes to speak?

15 MR. YOUNG: We do not.

16 BZA CHAIR HILL: Okay. Does my Board have any --  
17 do my fellow Board members have any questions for the  
18 applicant or the Office of Planning? Chairman Hood?

19 ZC CHAIR HOOD: Yes. Quickly, Ms. Whitmore, you  
20 mentioned about the solar panels. I can't remember exactly  
21 what you said. You said minimal impact or some impact? How  
22 did you phrase that because I know you went kind of fast.

23 MS. WHITMORE: I probably misphrased it. There  
24 will be no impact on the neighbor's solar array.

25 ZC CHAIR HOOD: Okay.

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1 MS. WHITMORE: Either way.

2 ZC CHAIR HOOD: Thank you. That's better. Thank  
3 you.

4 BZA CHAIR HILL: Okay. Great. Mr. Sullivan, do  
5 you have anything at the end?

6 MR. SULLIVAN: No. Thank you.

7 BZA CHAIR HILL: All right. I'm going to go ahead  
8 and close the hearing on the record. Mr. Young, would you  
9 please excuse everyone?

10 Well, you guys, I thought it was pretty  
11 straightforward. I didn't have a lot of issues with it. I  
12 mean, I thought that that property actually that was over to  
13 the other side of it was a massive property also that had --  
14 you know, they are protecting the solar arrays on there. And  
15 so I do think that they meet all of the criteria for us to  
16 grant the relief that's being requested.

17 I would agree with the Office of Planning's  
18 recommendation as well as that of the ANC and be voting to  
19 approve as well as DDOT didn't have any issues or objections.  
20 Does anyone have anything to add? Mr. Blake?

21 MEMBER BLAKE: No, sir. I agree with your  
22 assessment of the situation. I believe based on the record  
23 before the Board, the applicant has met the burden of proof  
24 and should be granted the relief.

25 BZA CHAIR HILL: Mr. Smith?

1 MEMBER SMITH: I second Mr. Blake's comments.

2 BZA CHAIR HILL: Chairman Hood?

3 ZC CHAIR HOOD: I have nothing to add, but I agree  
4 with all of what I've heard.

5 BZA CHAIR HILL: Vice Chair John?

6 VICE CHAIR JOHN: I have nothing to add as well.  
7 I think the application is fairly straightforward.

8 BZA CHAIR HILL: Okay. I'll make a motion to  
9 approve Application Number 20559 as captioned and read by the  
10 Secretary and ask for a second, Ms. John?

11 VICE CHAIR JOHN: Second.

12 BZA CHAIR HILL: Mr. Moy, if you could take the  
13 roll call, please?

14 MR. MOY: When I call each of your names if you  
15 would please respond with a yes, no, abstain to the motion  
16 made by Chairman Hill to approve the application for the  
17 relief requested. The motion was seconded by Vice Chair  
18 John. Zoning Commission Chair, Anthony Hood?

19 ZC CHAIR HOOD: Yes.

20 MR. MOY: Mr. Smith?

21 MEMBER SMITH: Yes.

22 MR. MOY: Mr. Blake?

23 MEMBER BLAKE: Yes.

24 MR. MOY: Vice Chair John?

25 VICE CHAIR JOHN: Yes.

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1 MR. MOY: Chairman Hill?

2 BZA CHAIR HILL: Yes.

3 MR. MOY: Staff would record the vote as 5-0-0,  
4 and this is on the motion made by Chairman Hill to approve  
5 the application for the relief requested. The motion was  
6 seconded by Vice Chair John in support. Also in support of  
7 the motion to approve is Zoning Commission Chair Anthony  
8 Hood, Mr. Smith, Mr. Blake and, of course, Vice Chair John  
9 and Chairman Hill. Again, the motion carries on a vote of  
10 5-0-0.

11 BZA CHAIR HILL: Thank you, Mr. Moy. When you get  
12 a chance, Mr. Moy, feel free to call our next one.

13 MR. MOY: This would be Case Application Number  
14 20639 of Matthew Ruest and Chad Koratich, K-O-R-A-T-I-C-H.  
15 This application is for special exceptions from the side yard  
16 requirement, Subtitle E, Section 207.2, pursuant to Subtitle  
17 E, Section 5201, and Subtitle X, Section 901.2, nonconforming  
18 side yard requirements, Subtitle E, Section 207.3, pursuant  
19 to Subtitle E, Section 5201 and Subtitle X, Section 901.2,  
20 rear yard requirements, Subtitle E, Section 306.1, pursuant  
21 to Subtitle E, Section 5201 and Subtitle X, Section 901.2.

22 This would construct a partial second story  
23 addition to an existing semi-detached, 2-story with basement,  
24 principal dwelling unit in the RF-1 Zone. The property is  
25 located at 1813 Vermont Avenue Northwest, Square 334, Lot 27.

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1           BZA CHAIR HILL:    Okay.    Great.    Mr. Sullivan,  
2 could you introduce yourself for the record, please?

3           MR. SULLIVAN:    Yes.    Thank you.    Marty Sullivan  
4 with Sullivan & Barros on behalf of the applicant.

5           BZA CHAIR HILL:    Okay.    Mr. Sullivan, if you could  
6 just, you know, again, as efficiently as possible walk us  
7 through this application in terms of why you believe that  
8 your client is meeting the criteria for us to grant the  
9 relief requested.    The Office of Planning had some questions.  
10 If you could just clarify whether or not that has been or  
11 some of those have been resolved.    And you can begin whenever  
12 you like.

13          MR. SULLIVAN:    Okay.    Thank you.    If we could have  
14 the PowerPoint loaded, please?    And Ms. Brunson is the  
15 architect.    And she's with us and available for questions.  
16 But I'll go through the PowerPoint myself.

17                    If we could go to Slide 2, please, the next slide.  
18 So the property is in the RF-1 Zone.    It's a 2-story single  
19 family dwelling.    And the applicant is proposing a small  
20 addition to the south rear side of the building, and it's a  
21 second story addition underneath that will be open.

22                    And this requires special exception relief from  
23 actually three areas.    It's the rear yard requirement because  
24 the rear line of the building is being extended across, and  
25 it's currently non-conforming.    And side yard, because we

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1 will be less than 5 feet but won't be all the way to the  
2 property line, so we'll need relief for that.

3           And then we also need relief from the restriction  
4 against making a non-conforming side yard more non-conforming  
5 or a conforming side yard non-conforming.

6           Next slide, please. It's supported by ANC 1B with  
7 letters of support from two adjacent neighbors. There's a  
8 third adjacent neighbor that doesn't have a problem with it.  
9 And they've talked to the applicant several times, but they  
10 just haven't filed a letter. And OP is recommending  
11 approval.

12           And I spoke to Mr. Cochran yesterday, and I think  
13 that issue has been cleared up. There was some confusion  
14 about the plat. But from my conversation with him, they're  
15 okay with the plat now. That issue has gone away.

16           Next slide, please. There's the location of the  
17 property.

18           Next slide, please. Next slide, please. That's  
19 the front. And you're looking at the side, the addition is  
20 to the right here on the photo to the right.

21           Next slide, please. You can see the plat in the  
22 back on the right side at the rear of the property there.  
23 The addition is smaller than what it shows there. A lot of  
24 that is patio so we'll see that when we get to the plans.

25           Next slide, please. Next slide, please. And next

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1 slide, please. You can see there the addition. It's  
2 rectangular. It's to the right where you see the stairs  
3 there. That's underneath the addition.

4 Next slide, please. I'll zip through the floor  
5 plans. Next slide, please. Next slide, next slide. Get to  
6 the elevations. Next slide, please.

7 So on the lower right elevation here, you see the  
8 extent of the addition from this view. It's open underneath,  
9 and the addition is on the second story. And you can see the  
10 size of it, how far it comes out from the existing building  
11 there on the top left and then from the rear elevation as  
12 well. You get a sense of the size of the addition.

13 Next slide, please. And next slide, please. So  
14 this is a single family. It's going to be a flat after this.  
15 So it is in harmony with the general purpose and intent of  
16 zoning regulations. The lot occupancy is just 51 percent  
17 after the addition.

18 Next slide, please. Light and air available to  
19 the neighboring properties is not unduly affected. And  
20 privacy of use and enjoyment, there's no windows on the rear  
21 of the building facing adjacent properties. So no privacy  
22 issue.

23 And as noted in the OP report, discussions with  
24 HPO staff, as I said, there's no major issues with this. And  
25 so this won't visually intrude upon character, scale and

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1 pattern.

2           And next slide, please. And I think that's it.  
3 So if the Board has any questions for myself or for Ms.  
4 Brunson.

5           BZA CHAIR HILL: Okay. And I know the Board has  
6 the slide deck and is able to peruse through them. So I'm  
7 going to let them continue to do that. And I'm going to turn  
8 to the Office of Planning.

9           MR. COCHRAN: Thanks, Mr. Chair. This is Steve  
10 Cochran, representing the Office of Planning in Case 20639.  
11 OP recommends that you approve both the two side yard special  
12 exceptions and the rear yard special exception. The  
13 application meets the criteria of X Chapter 9 and Section  
14 5201. That completes our report, but I would be happy to  
15 answer any questions.

16           BZA CHAIR HILL: Okay. Thanks, Mr. Cochran. I  
17 have reviewed your report. I don't have any questions of it.  
18 Mr. Young, is there anyone here wishing to speak?

19           MR. YOUNG: We do not.

20           BZA CHAIR HILL: Does the Board have any questions  
21 for the Office of Planning or the applicant? Okay. Mr.  
22 Cochran, good to see you. Glad to see everybody is wearing  
23 a tie today. That's very interesting. And let's see, Mr.  
24 Sullivan, do you have anything to add at the end?

25           MR. SULLIVAN: No. Thank you.

1 BZA CHAIR HILL: Okay. I'm going to go ahead and  
2 close the hearing on the record. Okay. As we reviewed the  
3 regulations, I also thought that the applicant has met the  
4 burden of proof for this application. I didn't particularly  
5 have any concerns. It was an interesting, I think, project  
6 but also relatively minimal in its relief requested.

7 And I also would agree with the Office of  
8 Planning's analysis and recommendation as well as that of ANC  
9 1B as well as that we have adjacent neighbors in support with  
10 their own concerns there.

11 So I didn't have any issues with the application.  
12 I'm going to go around the table and see what my fellow Board  
13 members have to add starting with you Mr. Smith if anything.

14 MEMBER SMITH: Chairman, I don't have anything to  
15 add. I do completely agree with your analysis that they have  
16 met the burden of proof for us to be able to grant the  
17 special exceptions.

18 I will also note that they have received letters  
19 in support from all of the adjacent neighbors that would be  
20 most directly impacted by this addition, the neighbor to the  
21 north and their neighbors on S Street to the south.

22 So with that statement, I am in support of the  
23 special exceptions.

24 BZA CHAIR HILL: Okay. Great. Thank you. Mr.  
25 Blake?

1 MEMBER BLAKE: I agree with the statements you  
2 have made. And I believe the applicant has met the burden  
3 of proof. And I'll be voting in favor of the application.

4 BZA CHAIR HILL: Thank you. Chairman Hood?

5 ZC CHAIR HOOD: You know, sometime I try to hit  
6 the space button and unmute so I don't have to do the cursor  
7 but then sometimes it doesn't. So I have an operator's  
8 problem.

9 I don't have anything to add. I think the merits  
10 in this case warrant approval, especially with all the  
11 support that has already been mentioned. So thank you.

12 BZA CHAIR HILL: Chairman Hood, it's only taken  
13 two years to figure out Zoom, right?

14 ZC CHAIR HOOD: Sir, it just worked just dandy,  
15 but when you called on me it didn't work. So I don't know.  
16 Maybe it's, maybe it's -- but I really want to make a  
17 statement about the tie, but I'll wait and say that about the  
18 tie later.

19 BZA CHAIR HILL: Got you. Vice Chair John?

20 VICE CHAIR JOHN: I'm in support of the  
21 application. I'm going to give great weight to the Office  
22 of Planning's report and agree with all of the comments so  
23 far and just note that DDOT has no objection to the  
24 application.

25 BZA CHAIR HILL: Thank you, Vice Chair John. All

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1 right. I'm going ahead and make a motion to approve  
2 Application Number 20639 as captioned and read by the  
3 Secretary and ask for a second, Ms. John?

4 VICE CHAIR JOHN: Second.

5 BZA CHAIR HILL: Motion made and seconded. Mr.  
6 Moy, if you could take the roll call?

7 MR. MOY: When I call each of your names if you  
8 would please respond with a yes, no or abstain to the motion  
9 made by Chairman Hill to approve the application for the  
10 relief requested. The motion was seconded by Vice Chair  
11 John. Zoning Commission Chair, Anthony Hood?

12 ZC CHAIR HOOD: Yes to the motion.

13 MR. MOY: Mr. Smith?

14 MEMBER SMITH: Yes to the motion.

15 MR. MOY: Mr. Blake?

16 MEMBER BLAKE: Yes.

17 MR. MOY: Vice Chair John?

18 VICE CHAIR JOHN: Yes.

19 MR. MOY: Chairman Hill?

20 BZA CHAIR HILL: Yes.

21 MR. MOY: Staff would record the vote as 5-0-0.

22 And this is on the motion made by Chairman Hill to approve.

23 The motion to approve was seconded by Vice Chair John. Also

24 in support of the motion to approve is Zoning Commission

25 Chair Anthony Hood, Mr. Smith and Mr. Blake. The motion

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1 carries on a vote of 5-0-0.

2 BZA CHAIR HILL: Thank you, Mr. Moy. You may call  
3 our next one when you get an opportunity, Mr. Moy.

4 MR. MOY: This would be Case Application Number  
5 20641 of 3900 Edmunds, E-D-M-U-N-D-S, Street, LLC. This is  
6 a request for a special exception from the matter-of-right  
7 uses of Subtitle U, Section 401, which is pursuant to  
8 Subtitle U, Section 421, and Subtitle X, Section 901.2.

9 This would construct a third story with penthouse  
10 and roof deck addition and to convert to a seven unit  
11 apartment house, an existing semi-detached, 2-story with  
12 cellar four unit apartment house in the RA-1 Zone. The  
13 property is located at 3900 Edmunds Street Northwest, Square  
14 1807, Lot 35.

15 BZA CHAIR HILL: Okay. Mr. Ferris, can you hear  
16 me?

17 MR. FERRIS: Yes, Chair. Can the Board members  
18 hear me as well?

19 BZA CHAIR HILL: Yes. Could you introduce  
20 yourself for the record, please?

21 MR. FERRIS: Yes. Lawrence Ferris with the law  
22 office of Goulston & Storrs, land use counsel for the  
23 applicant.

24 BZA CHAIR HILL: Great. Thank you, Mr. Ferris.  
25 All right, Mr. Ferris. If you could -- we have a really big

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1 day today. However, yours is a little bit more substantial  
2 than the other two that were before us. If you could take  
3 a little bit of time to walk us through your -- and I've got  
4 your PowerPoint up already. If you could take a little bit  
5 of time to walk us through your presentation as to why you  
6 believe your client is meeting the criteria for us to grant  
7 the relief requested.

8           You don't have to go into too much detail on the  
9 actual layout of the building. Perhaps just, you know, speak  
10 more about the relief that's being requested. And, Mr.  
11 Young, if you could pull up that PowerPoint and then, Mr.  
12 Ferris, you can begin whenever you like.

13           MR. FERRIS: All right. Great. Thanks so much.  
14 Again, good morning, Chair Hill and members of the Board.

15           We're here today for the property located at 3900  
16 Edmunds Street Northwest. This is located in Glover Park,  
17 one block north of Stoddert Elementary School.

18           This area of Glover Park consists of a mix of  
19 multifamily residential buildings that range from smaller to  
20 lower to mid-rise buildings to high rises like those that are  
21 on the north side of Edmunds and directly across the street  
22 from the property.

23           So the property is currently improved with a four  
24 unit apartment building. You see that brick frame there on  
25 the screen. And the project we're presenting today would

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1 renovate the existing building and construct the addition  
2 that you see on the rear to provide seven units, which would  
3 include six 3-bedroom units. So that's the short and sweet  
4 of the project.

5           The property is zoned RA-1. And so our  
6 application is requesting special exception approval pursuant  
7 to Subtitle U, Section 421, for new residential development  
8 in an RA-1 Zone. The project otherwise meets all matter of  
9 right development standards so we're only requesting relief  
10 under U 421.

11           With me today are Barry Madani and Megan Downey  
12 of Bloom Residential. Mr. Madani will provide a very brief  
13 background on the project and on our applicant. And then Ms.  
14 Downey will be walking us briefly through the plans. And we  
15 will try and focus specifically on the issues you called out,  
16 Mr. Chair.

17           Before we dive into our presentation, I would like  
18 to note that we have reports in support from the Office of  
19 Planning, that's at Exhibit 31, and from DDOT at Exhibit 32.

20           We met with OP back in January to review the  
21 project and get their feedback. And as you saw in OP's  
22 report, they're recommending approval. The workable design  
23 related questions OP had that they asked the development team  
24 to look into, which we did and followed up with OP after  
25 studying. So those were the items that you saw addressed in

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1 our pre-hearing submission, and we'll touch on those briefly  
2 as part of our presentation today as well.

3 Also included in our presentation is an updated  
4 landscape plan, which is an item OP had requested. So we'll  
5 review that briefly as well when we dive into the plan  
6 shortly. But in short, we're very pleased with OP's report  
7 recommending approval of the application.

8 We also presented the project to ANC 3B in  
9 February, and ANC voted unanimously to support the project  
10 and the requested relief. The ANC's report is at Exhibit 34  
11 of the record.

12 I'm also pleased to have several letters of  
13 support from neighbors in the area, including the owner of  
14 the adjacent building on the west side of the property,  
15 that's the building at 3904 Edmunds that's actually attached  
16 to this one.

17 So with that brief introduction, I will hand it  
18 over to Barry Madani to give us a brief background on the  
19 project.

20 MR. MADANI: Good morning, Chairperson Hill, and  
21 members of the Board. My name is Barry Madani. I am  
22 principal of Bloom Residential.

23 This is a project that we have, you know, been  
24 working on and taking a dilapidated four unit apartment  
25 building in the Glover Park neighborhood in much need of

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1 updating and converting it to seven residential condo units,  
2 which we believe will also help drive the number of  
3 stakeholders in that neighborhood, which is predominantly  
4 made up of renters.

5           We have the letter of support of the adjacent  
6 neighbor and many of the other neighbors in close proximity.  
7 We have done projects in that neighborhood before, and we  
8 have a great track record with the neighborhood. And, as  
9 Lawrence mentioned, you know, we have also the support of the  
10 ANC.

11           MR. FERRIS: All right. And with that, Ms.  
12 Downey, if you can walk us through the plans just briefly.

13           MS. DOWNEY: Hi. I'm Megan Downey. And I'm just  
14 going to quickly kind of walk through the plans and the  
15 proposed project that we have for this site.

16           So on this first page you'll see the building.  
17 The front kind of brick structure is the existing kind of  
18 four unit building that currently exists. And we're  
19 converting this building by adding a larger addition to the  
20 rear of the property, converting it from a four unit to a  
21 seven unit project.

22           Next slide. So on the next slide, you'll kind of  
23 see the rear addition and you can really see from here that  
24 the bulk of what we're adding is really concentrated to the  
25 back of the property, which is really the middle of the site.

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1           Next slide. So here we just kind of have some  
2 context images. So you can see in red, we've circled where  
3 the project is. So as Lawrence has mentioned, this is in the  
4 Glover Park neighborhood just west of Wisconsin Avenue.

5           To the north are some larger multifamily buildings  
6 you can see. Directly along the street are similar sized  
7 small to midrise multifamily buildings. And just south, we  
8 are located one block from Stoddert Elementary School.

9           Next slide, please. Okay. So here are some kind  
10 of existing photos of the project. You can see the existing  
11 kind of two-story four unit existing structure, the front  
12 brick facade and then the back kind of closed in rear  
13 porches.

14           Next slide. So here's the site plan. So what's  
15 really important from the site plan is that along Edmunds  
16 Street there is actually a building restriction line, which  
17 is 10 feet beyond the front of the existing building.

18           And we are actually holding the existing facade,  
19 which is similar to the building that's next to us. So kind  
20 of keeping that front facade and not building within that 10  
21 feet, which zoning would allow. And then also, as you can  
22 see, the addition which we're adding is really in the middle  
23 of the site. It's kind of set back from Edmunds Street and  
24 the other buildings along the road.

25           Next slide. So here is kind of some proposed

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1 layouts which we're planning to build. Kind of the key theme  
2 here is that this is a seven year project and six of the  
3 seven units we're proposing three bedroom units. Being in  
4 such close proximity to Stoddert Elementary, we're trying to  
5 get more larger family sized units.

6           Next slide. And then this slide and the next  
7 slide, you'll see that kind of also a goal was trying to  
8 provide outdoor space for every unit, almost every unit, not  
9 quite, whether it be a balcony or a rooftop terrace.

10           Next slide. And you'll kind of see the balcony  
11 of the top unit there.

12           So next slide. So here are the elevations. So,  
13 again, this is the front elevation. Just to the left-hand  
14 side of the screen, you can see that existing brick building.  
15 One thing I will note that we are enlarging some of the  
16 windows and that was to provide more light into the units.

17           Another thing is that we raised -- so in order to  
18 get a more livable space in that top unit, we've actually  
19 raised the ceiling, which is why we're no longer holding that  
20 kind of mansard roof, which you'll see similarly in the  
21 building adjacent to us, which we can discuss when we get to  
22 the context.

23           Next slide. Here you kind of see the elevations  
24 again. Again, that back mass is concentrated to the rear of  
25 the building. We're setting back from the front almost 20

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1 feet from the front.

2           And next slide. And then here it is in context.  
3 So, again, just some things I wanted to mention. So the  
4 mansard roof, which is something we've discussed with OP,  
5 because we are raising the roof, we are not holding that  
6 mansard because -- and we didn't think to add the mansard  
7 would really align with the building next to us.

8           Also another conversation that we had with OP was  
9 a question about why we didn't maintain -- why we had moved  
10 the entrance to the side as opposed to the front. Again, it  
11 was really so that we could try to get the majority of three  
12 bedroom units. We looked at trying to keep the front  
13 entrance but we would lose -- it came at the cost of losing  
14 a three bedroom unit, which we felt was a much stronger need  
15 for this area, neighborhood and project.

16           And then next slide. And then here's the kind of  
17 landscape plan, which I know we've been working with OP.  
18 Some things to mention is that one, that the sidewalk kind  
19 of jogs in order to be able to provide an ADA compliant  
20 pathway to the site, to the entrance. And then the other  
21 thing is that the trash in the rear is enclosed from the  
22 alley, and we have added plantings in conversations with OP.  
23 And I think that might be it.

24           BZA CHAIR HILL: Okay. Thank you. Mr. Ferris?

25           MR. FERRIS: Yes. I think if I could just put the

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1 finer point on a couple of the comments that were in the  
2 Office of Planning's report that we had discussed with them  
3 and Megan touched on already.

4 But if we could go back to, let's see, Slide 6.  
5 You'll see the ground floor layout on the right-hand side.

6 So one of the issues OP had asked us about was,  
7 as Ms. Downey mentioned, either maintaining the current front  
8 entrance or reincorporating a front entrance onto that front  
9 ground floor unit. And essentially we took a look at this  
10 and tried to kind of play around with that light unit layout.  
11 And as you can see, it's one of the three bedroom units, one  
12 of the six 3-bedrooms we're providing. And there was just  
13 no way to make that interior layout work without losing an  
14 entire bedroom.

15 As you can see, the three bedrooms are sort of at  
16 the top of that layout facing onto Edmunds. And there was  
17 just no way to make it work without losing a bedroom.

18 So we went back to OP and discussed that issue.  
19 And they sort of agreed that it was more important here to  
20 maintain that 3-bedroom unit than it was to get a new  
21 entrance or recreate the current entrance on Edmunds Street.

22 So I just wanted to touch on that since that was  
23 noted in OP's report.

24 And then the other issue that Ms. Downey touched  
25 on that was in OP's report and that we discussed with them

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1 was that mansard element. That is at the existing building  
2 and on the adjacent building. And if we can go back to that  
3 context image, which is at Slide 11, Mr. Young. Thank you.

4           So as you can see, that existing building to the  
5 right, 3904, has that managed development that our building  
6 has currently. And as Ms. Downey was explaining, we're  
7 actually raising the ceiling of those second story units by  
8 a foot, a full foot, and enlarging those window openings.  
9 As you can see, they are larger than what you have at the  
10 kind of mirror image adjacent building that mirrors what we  
11 have at the site now.

12           And so you really couldn't maintain that mansard  
13 roof. And if you want to just raise it or to try and  
14 recreate it with like a faux mansard, it would look just a  
15 little funky, a little off kilter because it would be uneven  
16 with that adjacent building. And so it was really difficult  
17 for us to find a way to do that in a way that was actually  
18 complementary to the adjacent building.

19           So that was again something that we discussed with  
20 OP. And ultimately they agreed that it was better to have  
21 the improved units that had more light, more air access to  
22 the modernized units than it was to kind of create, recreate  
23 or maintain that mansard element. So that was kind of where  
24 we landed on that and ultimately OP, I think, was happy with  
25 the discussion.

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1           So anyways, I just wanted to put a little bit  
2 finer point on those.

3           BZA CHAIR HILL: No, I appreciate that, Mr.  
4 Ferris. Okay. Mr. Ferris, I'm actually going to cut you  
5 off.

6           MR. FERRIS: Absolutely.

7           BZA CHAIR HILL: And so, Mr. Young, can you drop  
8 that slide deck? I appreciate you telling me about the  
9 mansard roof because I was a little curious about it. But  
10 I'm going to go ahead and turn to the Office of Planning.

11           MR. KIRSCHENBAUM: Good morning, Chair Hill and  
12 members of the Board of Zoning Adjustment. I'm Jonathan  
13 Kirschenbaum with the Office of Planning. And we recommend  
14 approval of the special exception for a new residential  
15 development in the RA-1 Zone.

16           And for the record, our analysis and  
17 recommendation are based on the architectural and landscape  
18 plans that are in Exhibit 35 and that is the exhibit that the  
19 applicant just showed you.

20           And I will rest on the record. Please let me know  
21 if you have any further questions. Thank you.

22           BZA CHAIR HILL: Mr. Kirschenbaum, I was just kind  
23 of curious, as far as losing that mansard roof, it was also  
24 because like there's just kind of a mix of buildings along  
25 that line. Is that something that you guys looked at? I

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1 guess, like it seems like you all didn't have much -- you  
2 thought about the mansard roof, but you eventually went with  
3 the light angle -- sorry, the better units that were going  
4 to be put there rather than the mansard roof.

5 My question, I guess, is that some of that because  
6 there's already a mix of those buildings on that block?

7 MR. KIRSCHENBAUM: That is correct. I mean, it's  
8 not a consistent block front at this point because many of  
9 the similar buildings have already been redeveloped into  
10 apartment houses that have removed those architectural  
11 features. It's not a requirement of the zone either. So it  
12 was just sort of the design consideration that we asked the  
13 applicant about.

14 And because it's not a zoning requirement, we felt  
15 that it sort of balanced the need to create some more livable  
16 units with higher ceilings was probably better in the long  
17 run than trying to just maintain that mansard roof.

18 BZA CHAIR HILL: Okay. Does the Board have any  
19 questions of the applicant or the Office of Planning? Mr.  
20 Blake?

21 MEMBER BLAKE: One quick question. With regard  
22 to the DDOT report, they indicated that you should ensure  
23 that the rear alley gate door is either recessed or open  
24 inward while the planned list on landscaping and the other  
25 site plan, I think the doors were still outward facing. Is

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1 that correct or has that been adjusted?

2 MR. KIRSCHENBAUM: Yes, that would be a question  
3 -- is that for the Office of Planning? Okay.

4 MEMBER BLAKE: No, applicant.

5 MR. FERRIS: Yes. So we did see that comment.  
6 And we will take that into consideration and make that  
7 adjustment as we would -- I think that would actually require  
8 public space approval. And so we'll be adjusting that. But  
9 technically that's in the public space realm, which is why  
10 we didn't touch on that as part of this application.

11 MEMBER BLAKE: Thank you.

12 BZA CHAIR HILL: Okay. Anything else from my  
13 Board members? Mr. Young, is there anyone on here who wishes  
14 to speak?

15 MR. YOUNG: We do not.

16 BZA CHAIR HILL: Okay. I'm going to go ahead.  
17 Mr. Ferris, do you have anything else you'd like to add at  
18 the end?

19 MR. FERRIS: I'm happy to provide a summary, but  
20 out of respect for the Board's very full docket, I am also  
21 happy to skip.

22 BZA CHAIR HILL: Okay. All right. I'm going to  
23 go ahead then and close the hearing on the record and excuse  
24 everyone.

25 So, I mean, I think, again, since this is a new

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1 residential development, we take a look at it. I think  
2 actually Chairman Hood was on an appeal where, like,  
3 something happened where we didn't take a look at something  
4 that was a new residential development and so now we see all  
5 of them, right?

6           And so I do think that they are meeting the  
7 criteria and standards for us to grant the relief requested  
8 to build the building. I didn't have any issues with the  
9 building. I thought it was a nice project. I thought that  
10 the 3-bedroom units were nice. I thought that the design is  
11 well thought out.

12           I also didn't think that it was going to do  
13 anything to the neighborhood in terms of -- I guess the ANC  
14 is also in agreement in terms of what they think of the  
15 project and how it will fit in with the neighborhood.

16           And then I do believe, again, that they've met the  
17 criteria and standards with which we're supposed to look at  
18 the application as it applies to the regulations.

19           I would agree with the Office of Planning's  
20 analysis and that also DDOT, as Mr. Blake has also clarified  
21 that, and then also there was the landscaping plan that was  
22 clarified.

23           Other than that, I don't have anything else to  
24 add. I'm going to go around the table. Mr. Smith, would you  
25 give me your opinion, please?

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1           MEMBER SMITH: Sure. I largely agree with your  
2 position. I do believe that applicant has met the burden of  
3 proof for us to be able to grant the special exception for  
4 this new development.

5           I, like you, believe that the design was very well  
6 thought out. The design protected the existing character  
7 along the street frontage by expanding the building to the  
8 side but towards the rear of the side and that addition is  
9 largely in keeping with the character that we see along the  
10 block.

11           It's shown even in the applicant's own slides  
12 showing the street frontage along that block. It's largely  
13 set into the character. That building, that addition,  
14 doesn't dominate along the block. So kudos to them for  
15 finding a good design that could win the support of adjacent  
16 property owners.

17           The only letter that we haven't got is from the  
18 property owner to the east of this property directly to the  
19 east. But the other property owners within the area, they're  
20 largely supportive of this addition as well as the ANC.

21           So with that I do support the application, and I  
22 agree with OP's analysis on this request. And I will be in  
23 support.

24           BZA CHAIR HILL: Thank you, Mr. Smith. Mr. Blake?

25           MEMBER BLAKE: I, too, agree with the analysis

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1 that you did as well as Mr. Smith. The applicant has met the  
2 burden of proof, and I will be voting in favor of the  
3 application.

4 BZA CHAIR HILL: Thank you. Chairman Hood?

5 ZC CHAIR HOOD: I also agree with everything I  
6 heard. And I think one of the things that I listened to and  
7 all the support that this applicant has is the work that he's  
8 done previously has shown a great track record. So obviously  
9 this continues in taking in the neighborhood's and ANC's and  
10 all those stakeholders' concerns into consideration as he  
11 moves forward.

12 I do like the design. I think it's excellent.  
13 Thank you. Thank you, Mr. Chairman.

14 BZA CHAIR HILL: Thank you, Chairman Hood. Vice  
15 Chair John?

16 VICE CHAIR JOHN: Thank you, Chairman. So I agree  
17 with everyone that this is a very thoughtful design. And I  
18 appreciate that the applicant has worked with the community  
19 and with ANC to come up with a project that, you know, they  
20 can get behind.

21 And I agree with all the comments so far as how  
22 the application meets the criteria for relief under Subtitle  
23 U, 421.1, and I give great weight to the Office of Planning's  
24 Report and the recommendation and the issues and concerns of  
25 the ANC. And in this case, the ANC was in full support. So

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1 I would recommend approval of the application.

2 BZA CHAIR HILL: Thank you, Vice Chair John. All  
3 right. I'm going to make a motion to approve Application  
4 Number 20641 as captioned and read by the Secretary and ask  
5 for a second, Ms. John?

6 VICE CHAIR JOHN: Second.

7 BZA CHAIR HILL: Motion made and seconded. Mr.  
8 Moy, could you take a roll call, please?

9 MR. MOY: When I call each of your names if you  
10 would please respond with a yes, no or abstain to the motion  
11 made by Chairman Hill to approve the application for the  
12 relief requested. The motion was seconded by Vice Chair  
13 John. Zoning Commission Chair, Anthony Hood?

14 ZC CHAIR HOOD: Yes.

15 MR. MOY: Mr. Smith?

16 MEMBER SMITH: Yes.

17 MR. MOY: Mr. Blake?

18 MEMBER BLAKE: Yes.

19 MR. MOY: Vice Chair John?

20 VICE CHAIR JOHN: Yes.

21 MR. MOY: Chairman Hill?

22 BZA CHAIR HILL: Yes.

23 MR. MOY: Staff would record the vote as 5-0-0.

24 And this is on the motion made by Chairman Hill to approve.

25 The motion to approve was seconded by Vice Chair John. Also

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1 in support of the motion to approve is Zoning Commission  
2 Chair Anthony Hood, Mr. Smith, Mr. Blake and, of course, Vice  
3 Chair John and Chairman Hill. The motion carries on a vote  
4 of 5-0-0.

5 BZA CHAIR HILL: Okay. Thanks, Mr. Moy. Okay.  
6 So you guys, we have three cases left, all of which are going  
7 to be very lengthy, and I suggest we go ahead and take a  
8 quick break before starting our next one.

9 Vice Chair John is not on the next case. And so,  
10 Ms. John, if it's all right, I'll go ahead and kind of text  
11 you when I think we're getting closer to when you can rejoin  
12 us. I think it will be a little while.

13 And so let's see. It's 11:55. I mean, if we can  
14 get back here at 11:05 that would be great. So let's just  
15 see what happens, and I'll see you guys in a little bit.  
16 Thank you.

17 (Whereupon, the above-entitled matter went off the  
18 record at 10:56 a.m. and resumed at 11:08 a.m.)

19 BZA CHAIR HILL: Mr. Moy, are you there?

20 MR. MOY: Yes, sir.

21 BZA CHAIR HILL: Can you go ahead and call our  
22 next case? Yes, and just so my fellow Board members know,  
23 I'm shooting for 1 o'clock for lunch hopefully is what I'm  
24 shooting for. So there you go. Mr. Moy, you can call our  
25 next case, please.

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1 MR. MOY: Yes. Thank you, Mr. Chairman. The  
2 Board is back in its public hearing session after a very  
3 brief break, recess, and the time is about 11:09 in the  
4 morning.

5 The case application before the Board is 20643 of  
6 the Maret School. This is a request for special exceptions  
7 from the matter-of-right uses of Subtitle U, Section 201,  
8 pursuant to Subtitle U, Section 203.1(m), Subtitle X, Section  
9 104.1, and Subtitle X, Section 901.2 and the parking location  
10 restrictions of Subtitle C, Section 710.2, pursuant to  
11 Subtitle C, Section 710.3, and Subtitle X, Section 901.2

12 This would permit a private school use in the  
13 R-1-B Zone. The property is located at part of 5901 Utah  
14 Avenue Northwest, Square 2319, Lot 832.

15 Finally, Mr. Chairman, as regards to late filings  
16 because of the 24-hour block that the Board has imposed in  
17 the past two years, there are two letters in support. One  
18 from Michael Sriqui, S-R-I-Q-U-I, from ANC 3D, a letter of  
19 support from J.P. Dodd and Jennifer Goodman. Also there is  
20 a letter in opposition from a Mary Callahan.

21 And finally, Mr. Chairman, there is what's titled  
22 as a renewed motion to postpone from the party in opposition.  
23 So there you go, Mr. Chairman.

24 BZA CHAIR HILL: Okay. Great. Thanks, everybody.  
25 Is Mr. Blake with us? I thought I saw him. Okay. Great.

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1 Okay. All right. So unless the Board has any issues, I'm  
2 going to let everything into the record because I want to see  
3 all the letters that are in support and opposition. And then  
4 also I did see, I think, this latest motion to reintroduce  
5 a motion that we ruled upon last time. But I will let  
6 everything into the record so we can talk everything through.  
7 Let's see. Unless my Board has any issues with that, and if  
8 so, please raise your hand. Okay. Great. Let's see, I'm  
9 going to start with -- is Mr. Tummonds there?

10 MR. TUMMONDS: Yes, I am.

11 BZA CHAIR HILL: Great. Mr. Tummonds, could you  
12 introduce yourself for the record, please?

13 MR. TUMMONDS: Sure. Good morning. Paul  
14 Tummonds, with the law firm of Goulston & Storrs on behalf  
15 of the applicant, The Maret School.

16 BZA CHAIR HILL: Got it. And Mr. Tummonds, you  
17 don't have to tell me who is there at the table with you.  
18 If you want to, you can. But who is here with you in the  
19 Zoom environment?

20 MR. TUMMONDS: Yes. So we will have three  
21 witnesses today, but they will be coming to you from two  
22 different email addresses. The first is the Maret Team email  
23 address, and that will include Marjo Talbott, head of school  
24 at Maret, and Trey Holloway, assistant head of school, head  
25 of finance.

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1           The second email address for our witnesses will  
2 be Jami Milanovich, our transportation engineer. So if we  
3 can bring those two email addresses in as a panelist then  
4 hopefully I can shut down my computer, and we'll work it out  
5 --

6           BZA CHAIR HILL: No, we got you. We've got the  
7 Maret Team there, and we also have Ms. Milanovich.

8           MR. TUMMONDS: Perfect.

9           BZA CHAIR HILL: So, I guess, you can do whatever  
10 you want to do on your side.

11          MR. TUMMONDS: You bet.

12          BZA CHAIR HILL: Give me one second. Mr. Donohue,  
13 can you hear me?

14          MR. DONOHUE: Yes, sir.

15          BZA CHAIR HILL: Can you hear me?

16          MR. DONOHUE: Yes, sir.

17          BZA CHAIR HILL: Can you introduce yourself for  
18 the record, please?

19          MR. DONOHUE: Good morning, Mr. Chairman. Ed  
20 Donohue on behalf of the parties in opposition, Friends of  
21 the Field.

22          BZA CHAIR HILL: Okay. Great. And Mr. Donohue,  
23 who is with you in this Zoom environment?

24          MR. DONOHUE: So Mr. Sherman has got the mic on  
25 the Friends presentation.

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1 BZA CHAIR HILL: Give me one second please because  
2 I don't see Mr. Sherman. Okay. Well, we'll still look for  
3 Mr. Sherman. Who else do you have, Mr. Donohue?

4 MR. DONOHUE: So Mr. Sherman will make a handoff  
5 to one or two others, but he's got the wheel on that end.

6 BZA CHAIR HILL: Oh, okay. Well then let me wait  
7 and see who else is here then. I see a Mr. Speck. Is that  
8 correct?

9 MR. DONOHUE: He's with the ANC.

10 BZA CHAIR HILL: Commissioner?

11 MR. SPECK: Yes, Chairman Hill.

12 BZA CHAIR HILL: Could you introduce yourself for  
13 the record, please, Commissioner?

14 MR. SPECK: I'm Randy Speck. I'm the Chair of ANC  
15 3/4G, and I represent Single Member District ANC 3/4G-03.  
16 And I'm here today with Commissioner Higgins.

17 BZA CHAIR HILL: Okay. Let's see if I see  
18 Commissioner Higgins. If everybody wouldn't mind, I'm sorry,  
19 just mute your mics when you're not speaking because there's  
20 just -- it just is a pain. Let's see, Mr. Higgins, I don't  
21 see. Oh, I got you. Thank you, Mr. Higgins. Mr. Higgins,  
22 could you introduce -- oh, you're a Commissioner.

23 MR. HIGGINS: Yes, I am.

24 BZA CHAIR HILL: Commissioner, could you introduce  
25 yourself for the record, please?

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1 MR. HIGGINS: Yes. My name is John Higgins. I'm  
2 a Commissioner with ANC 3G, Single Member District 02. And  
3 the property at issue is located in my single member  
4 district.

5 BZA CHAIR HILL: Okay. Great. All right. Let's  
6 see, Mr. Donohue, right so. Mr. Donohue, what was the  
7 gentleman's name again? I'm sorry.

8 MR. DONOHUE: Bruce Sherman.

9 BZA CHAIR HILL: Okay. Oh, there we go. Mr.  
10 Sherman, can you hear me?

11 MR. SHERMAN: Yes, I can.

12 BZA CHAIR HILL: Okay. Great. Could you  
13 introduce yourself for the record, please?

14 MR. SHERMAN: Yes. I'm Bruce Sherman representing  
15 Friends of the Field, resident at 5829 Nebraska Avenue.

16 BZA CHAIR HILL: Okay. Great. Thank you.  
17 Welcome, Mr. Sherman.

18 MR. SHERMAN: Thank you.

19 BZA CHAIR HILL: Mr. Sherman, who is here with you  
20 today in the Zoom environment if you can see the field. I  
21 don't know.

22 MR. SHERMAN: I can't see the field, but I can  
23 tell you who will be joining me in the presentation.

24 BZA CHAIR HILL: Okay. If you could tell me,  
25 please?

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1 MR. SHERMAN: Yes. The presentation will feature  
2 a number of the members of Friends of the Field and three  
3 outside experts in addition to Mr. Donohue, our legal  
4 counsel.

5 So the members of Friends of the Field that will  
6 be presenting at different points of the presentation include  
7 David Patton, Claudia Russell, Tom Downs, Jane Sherman, my  
8 wife. And then outside, we have three expert witnesses.  
9 Would you like me to name them?

10 BZA CHAIR HILL: Yes, please.

11 MR. SHERMAN: Kyla Bennett, Diana Conway and  
12 Martin Bream.

13 BZA CHAIR HILL: Brame?

14 MR. SHERMAN: Bream, B-R-E-A-M. Mm-hmm.

15 BZA CHAIR HILL: Okay. And when you say expert,  
16 what do you mean? Like, did you file for expert status for  
17 these people?

18 MR. DONOHUE: We're going to present their resumes  
19 when our presentation is called, Mr. Chair.

20 BZA CHAIR HILL: Mr. Donohue, say that again. I'm  
21 sorry.

22 MR. DONOHUE: We're going to --

23 BZA CHAIR HILL: Go ahead and try again.

24 MR. SHERMAN: We're going to present their resumes  
25 when our part of the presentation is called.

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1           BZA CHAIR HILL: Okay. So really you needed --  
2 and, again, I don't -- the whole expert status thing, just  
3 to let you know, Mr. Donohue -- Mr. Donohue, you presented  
4 before us in general, like, we're not a real court. You  
5 know, we're quasi-judicial here. And so I don't like to get  
6 into great detail about expert witnesses, et cetera, because  
7 we hear from everyone, and we take into consideration their  
8 background and their testimony.

9           However, you were supposed to apply for expert  
10 status ahead of time so that the other party can see who you  
11 are claiming is an expert. And so you haven't done that.  
12 So really what that's done for me is your people are welcome  
13 to testify. Whether or not they are going to be called  
14 "experts" by us is unlikely at this point. However, you know  
15 you're welcome to go ahead and, you know, give their  
16 testimony as you would have anyway. And the Board is able  
17 to weigh their testimony. So just to let you know.

18           MR. DONOHUE: We're aware.

19           BZA CHAIR HILL: Okay. So that's that part.  
20 Let's see.

21           MR. MOY: Mr. Chair? Mr. Chair?

22           BZA CHAIR HILL: Who is speaking? Oh, Mr. Moy.

23           MR. MOY: This is Cliff. Just I don't want to  
24 complicate matters for you, but I just want to -- staff  
25 reminds me that when you get to the point of hearing

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1 testimony, okay, that staff reminds me that apparently in  
2 addition to the two ANC chairs who have just introduced  
3 themselves because they are in the affected ANC. Apparently,  
4 we have three other chairs in other ANCs. So I just want to  
5 put that under your clipboard for later.

6 BZA CHAIR HILL: Three other commissioners you  
7 mean?

8 MR. MOY: Yes, from other ANCs that are not the  
9 affected ANCs of these two that have just introduced  
10 themselves. So I just want to put that one your record.

11 BZA CHAIR HILL: That's fine.

12 MR. MOY: On your clipboard.

13 BZA CHAIR HILL: That's fine. Thank you.  
14 Actually, and I guess I can ask legal. I thought that if  
15 people are here testifying as members of the public, they  
16 still get three minutes as members of the public. And so  
17 that's where I guess we would take those commissioners'  
18 testimony. And I'll let legal chew on that, and they can get  
19 back to me if there's an issue.

20 All right. Let's see now. Oh, so there was one  
21 more, I guess, filing. And I'm now going to speak to the  
22 Board about -- let me click through this record. Got it.  
23 Okay. So the filing was again to try to -- or it was to ask  
24 if we could postpone this hearing. And we did address these  
25 issues, Mr. Donohue, on the previous transcript in the

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1 previous time that we walked through this.

2           So this is a self-certified application. The  
3 applicant has the burden to explain to us why they believe  
4 they are meeting the criteria for which we can, you know,  
5 approve or deny this.

6           I read through your motion. And I believe that  
7 the Board has also read through the motion. And I'm not in  
8 favor of granting the motion. I think we've addressed all  
9 those issues previously. And I'm just looking for my Board  
10 members. I'm not asking for anybody's input. And so I know  
11 that they've seen that. You all have seen that.

12           And so, I guess -- and I think, I don't know if,  
13 Chairman Hood, you were on when we spoke about this before.  
14 But it's not so much even -- and I want to be clear, it's not  
15 so much even that we have a timing issue with our calendar.  
16 I just believe that this is the appropriate time for us to  
17 hear the case.

18           And if we, the Board, have any issues, and the  
19 party in opposition is welcome to bring up any issues they  
20 believe are outstanding, and they can in their presentation,  
21 and if we the Board think at that time that we need to either  
22 have a continued hearing or have an opportunity to wait for  
23 more information, we can go ahead and do that at that time.

24           And so I'm looking at my fellow Board members,  
25 which happen to be across the screen, which is so convenient

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1 for me right now, to see if you all have any issues with that  
2 and if so, raise your hand. I'm going to do it that way.

3 Okay. Chairman Hood, you have a comment?

4 ZC CHAIR HOOD: Due to the fact that I was not  
5 necessarily involved, but I have reviewed, which you all did  
6 previously, but was the Office of -- and I know you want to  
7 get there. But I also notice in Mr. Donohue's submission to  
8 us on the 8th that he mentions the Office of Attorney  
9 General's submission, which as everyone knows they used to  
10 be our counsel for many years. They also are saying some  
11 things, and I don't know if we want to get to that. We need  
12 to get to that.

13 But what I'm trying to garner is that the  
14 opposition is doing some things with BEGA. And I'm glad to  
15 see, Mr. Donohue, that you all have included the OAG's  
16 submission today because I really want to see what that  
17 ruling is. Because even though I'm from OAG, I have a lot  
18 of respect for our former counsel. They've counseled me for  
19 years. But I notice now how the -- I don't necessarily agree  
20 with the approach, but I do agree with the intent.

21 So when I read that letter, I want to make sure,  
22 and I'm sure our counsel, our Office of Zoning Legal  
23 Division, has examined this letter. But I want to make sure  
24 we are not crossing over into Zoning Commission territory,  
25 which is being alluded to by the Office of Attorney General,

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1 which is very different than other jurisdictions.

2           You know, the citizens need their ombudsman, I  
3 agree. But I don't know if this is the right format. But  
4 I think the intent, like I said, is just. And I read the  
5 letter. And I want to make sure we're not going down those  
6 lines.

7           So I'm not sure where you are, Mr. Chairman. But  
8 I will follow the lead of the Board. But I do know that that  
9 is on my radar. And, Mr. Donohue, I would be interested to  
10 see whatever comes out of BEBGA because I mean you added the  
11 OAG letter to your letter to us. And I'll leave it at that.  
12 Thank you.

13           MR. DONOHUE: Certainly.

14           BZA CHAIR HILL: Okay. Chairman Hood. So before  
15 I move on to my other fellow Board members, I mean, Chairman  
16 Hood, we discussed postponing this a little while ago when  
17 Mr. Donohue -- when the counselor had submitted something to  
18 our -- a postponement request. And the issues with BEGA are  
19 things that are kind of outside of this Board's purview,  
20 meaning it has nothing to do with us. Whatever happens with  
21 BEGA is what's going to happen with BEGA.

22           I just want to have the applicant have the  
23 opportunity to hear her case. And then if we have any  
24 questions, or if you, Chairman Hood, or any of the Board  
25 members as we're going through this would like to continue

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1 this, then, you know, we're welcome to do it at that point.  
2 That's kind of my suggestion at this time.

3 ZC CHAIR HOOD: So, Mr. Chairman, maybe I'm  
4 missing the boat. The letter that I'm talking about is from  
5 the Office of the Attorney General which is dated March the  
6 8th. And I don't think you all discussed that February 22  
7 because it's dated March the 8th.

8 BZA CHAIR HILL: There were two things that I'm  
9 talking about. But the one with the Attorney General's  
10 letter, I guess, Mr. Donohue can speak to that, and we can  
11 go ahead and, you know, have that discussion as we go through  
12 the hearing as well as I guess the applicant can speak to  
13 that as we go through the hearing.

14 ZC CHAIR HOOD: So I just wanted -- yes, I'll let  
15 Mr. Donohue -- I want to speak to this because basically what  
16 the Attorney General is alleging is that basically this whole  
17 situation is out of scope of the Board of Zoning Adjustment.  
18 That's what they are alleging. So I want to make sure -- I  
19 just need somebody of a legal mind to give me the correct  
20 interpretation. How do we do that? We need to do that  
21 sooner than later because that's the alleged that they're  
22 making. So I'll just leave it at that and follow everybody's  
23 lead. But that is a concern of mine.

24 BZA CHAIR HILL: Okay. Well, Chairman Hood, we'll  
25 have an opportunity, I guess, to discuss that as we go

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1 through the hearing. So Mr. Smith and Mr. Blake, do you have  
2 any issues with what I'm proposing?

3 MEMBER SMITH: No, I don't have any issues.

4 MEMBER BLAKE: I don't have any issues either.

5 BZA CHAIR HILL: Okay. All right. So I'm going  
6 to continue to deny the motion to postpone this hearing. And  
7 we'll go ahead and have the hearing and hear what the  
8 applicant has to say as well as the party in opposition.

9 So, Mr. Donohue, as you probably know, what this  
10 is is this is a hearing that is -- I'm sorry. This is an  
11 application that's before us that has been brought by the  
12 applicant. And they have the responsibility to argue whether  
13 or not they meet the criteria for us to grant this  
14 application, right? And so that's what they're going to do.

15 You, as the party in opposition people, you have  
16 the same amount of time to present your case, right? So  
17 basically what I'm charged with and the Board is charged with  
18 is having a fair hearing in which everybody has the same  
19 amount of time.

20 And so what that also means is that I'm not trying  
21 to get the applicant to rush through their application so  
22 that you get 20 minutes or 10 minutes or whatever it is. But  
23 what I'm trying to say is everyone is supposed to have a  
24 balanced amount of time as you know, Mr. Donohue, because  
25 you've been with us before, right? And so I'm just kind of

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1 letting you know that that's my -- how I'm going to try and  
2 manage this as we move forward.

3           And then in terms of your witnesses, and I'll give  
4 you a chance to respond, Mr. Donohue, and then I guess I'll  
5 give Mr. Tummonds a chance to respond also that -- and I  
6 guess I'll start with Mr. Tummonds as far as Mr. Tummonds,  
7 if you do understand everything I'm saying in terms of the  
8 time.

9           There is a long list of people that are here in  
10 support. And there's also a long list of people that are  
11 here in opposition. So what I'm trying to point out to you,  
12 Mr. Tummonds and Mr. Donohue is that I'm not -- the Board is  
13 not looking for repetitive testimony, meaning that, you know,  
14 whoever you're going to call for your witnesses, go ahead and  
15 call for your witnesses.

16           Those witnesses will now -- we're not interested  
17 in hearing again the same testimony from them in the open  
18 forum, which when we'll hear from the public. I'm just  
19 trying to point out some time constraints here also because  
20 the Board by the way has two more hearings after this that  
21 are also going to be quite lengthy. And so we're just trying  
22 to get through the day in a way that's efficient for  
23 everyone, including our citizens here, which I'm one of them.

24           Okay. Mr. Tummonds, do you understand everything  
25 I just said?

1 MR. TUMMONDS: One hundred percent, and we have  
2 informed the people who have testified -- people who have  
3 testified in support of that very -- some guidance. And we  
4 are fully confident that they will not provide repetitive  
5 testimony.

6 BZA CHAIR HILL: Okay. Mr. Donohue, do you  
7 understand or have any questions?

8 MR. DONOHUE: No, Mr. Chairman, if you would allow  
9 me a quick point of clarification.

10 BZA CHAIR HILL: Sure. Go ahead.

11 MR. DONOHUE: I submitted the brief letter  
12 yesterday. And I'm not going to argue the point -- you've  
13 denied the motion. But I wanted you to be aware of two late  
14 filings, two late developments, one on BEGA and the other on  
15 the AG's opinion.

16 And the AG's opinion questions whether this is the  
17 proper vehicle for the Board to be hearing. Whether the  
18 special exception is appropriate, the AG's opinion is that  
19 it's not. So I just wanted you to be aware of that. That's  
20 the reason for the submission.

21 But in terms of your direction to the party in  
22 opposition, we will certainly conduct ourselves  
23 appropriately, and we will be efficient in our time. And I  
24 think you're going to see a good presentation this afternoon.

25 BZA CHAIR HILL: Okay. Great, Mr. Donohue. I

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1 appreciate that. And I actually am going to talk to this AG  
2 letter now for a moment. I mean, I would like to hear what  
3 -- you're obviously going to hear what we have to say. I've  
4 been here for -- well, I'm a little -- I guess we'll have an  
5 opportunity to hear what AG has to say, right?

6 The Zoning Administrator is also a person who we  
7 listen to. The Office of Planning is who we listen to. The  
8 Office of Planning is who we listen to. The ANCs are who we  
9 listen to. All the different agencies are who we listen to.

10 This is a little bit unique that I'm getting  
11 something from the AG in this particular situation. However,  
12 I would like to hear what both of you -- both the applicant  
13 and the party in opposition have to say about it. So we will  
14 go ahead and go through this hearing now.

15 Let's see, Mr. Tummonds, can you hear me?

16 MR. TUMMONDS: Yes.

17 BZA CHAIR HILL: Okay. Mr. Tummonds, I'm going  
18 to start the clock there. Mr. Young, can you hear me? And,  
19 Mr. Tummonds, there's like an echo of some kind. I don't  
20 know why. Maybe one of your computers is one or something.  
21 And maybe that's when --

22 MR. TUMMONDS: Is that better? No echo?

23 BZA CHAIR HILL: Yes. That's better. Thank you.  
24 Well, it was better. It only happens when I talk. I won't  
25 talk much. Okay. So, Mr. Tummonds, I'm going to go ahead

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1 and start the clock. I have 15 minutes on the clock just so  
2 I know where we are. And you can begin whenever you like.

3 MR. TUMMONDS: Perfect. If Mr. Young could pull  
4 up our PowerPoint presentation.

5 BZA CHAIR HILL: Do you know which exhibit that's  
6 in? Oh, is it the one in 262?

7 MR. TUMMONDS: Yes.

8 BZA CHAIR HILL: Okay. Thank you.

9 MR. MOY: Mr. Chairman?

10 BZA CHAIR HILL: Yes.

11 MR. MOY: Before you begin this is Cliff. Do you  
12 want the clock --

13 BZA CHAIR HILL: Could you mute your microphone  
14 for a second, Mr. Tummonds? Thank you. Mr. Moy?

15 MR. MOY: Would you like Mr. Young to switch the  
16 clock to count upwards or do you want to count down from 15?

17 BZA CHAIR HILL: No, that would be wonderful if  
18 Mr. Young can do that. I didn't know he could do that.  
19 Okay. Great. All right. Mr. Tummonds, you can again begin  
20 whenever you like. And I'm going to mute myself.

21 MR. TUMMONDS: Great. Thank you. Good morning.  
22 As noted before, I am Paul Tummonds from Goulston & Storrs.  
23 On behalf of The Maret School, we are here today requesting  
24 special exception relief to permit principal private school  
25 use in the R-1-B Zone and special exception relief to look

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1 at the parking spaces for the private school use adjacent to  
2 the curb cut, which recently received Public Space Committee  
3 conceptual design approval along the property's Nebraska  
4 Avenue frontage.

5           In response to the arguments of the Friends of the  
6 Field and the Attorney General that the applicant has not  
7 requested the appropriate relief for the private school use  
8 on the property, the applicant reiterates the information  
9 that we provided on Pages 2 and 3 of Exhibit 203 of the  
10 record, which was our response to the initial request for  
11 postponement.

12           This information addresses the appropriateness of  
13 the special exception relief that has been requested and that  
14 the proposed athletic facilities are correctly deemed to be  
15 principal private school use.

16           The Zoning Administrator has confirmed via email  
17 that the proposed athletic facility meets the definition of  
18 "education, private use" and that the appropriate relief for  
19 this use would be a special exception. We will submit for the  
20 record this email confirmation that was received yesterday.

21           In response to the recent filings from the Friends  
22 of the Field and OAG regarding this issue we note the  
23 following.    First, our interpretation of the zoning  
24 regulations definition of "education, private use" is  
25 appropriate and consistent with fundamental principles of

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1 statutory construction and the plain language of that  
2 definition.

3           Second, with regard to the hours of non-Maret use  
4 of the athletic facilities, please note that Condition Number  
5 3 of the ANC resolution states, "the athletic fields are to  
6 be used primarily by Maret to support its athletic programs  
7 and any leased use of the fields to a youth sports group or  
8 other non-Maret summer camps shall not exceed the time of  
9 Maret's use in any calendar year." The applicant has agreed  
10 to this condition as well as all the other conditions in the  
11 ANC resolution.

12           Finally, the DC Court of Appeals decision in the  
13 NCS case, which is what was cited to in Exhibit 203, did not  
14 overturn the BZA's decision regarding an athletic facility  
15 deemed to be a private school use.

16           The BZA's decision in the NCS case is still good  
17 precedent as to what would be considered a principal private  
18 school use. As a reminder in the NCS case, the BZA noted,  
19 "the Board concludes that the athletic facilities are an  
20 extension of the principal use. Athletics is a form of  
21 education and thus the athletic facilities are educational  
22 facilities."

23           It therefore follows that the applicant need only  
24 meet the standard for a private school special exception.  
25 The statement made by the Friends of the Field that the court

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1 is being -- the DC Court of Appeals held that the principal  
2 use argument alone was insufficient to establish the special  
3 exception and that an athletics facility must satisfy the  
4 requirements of an accessory use is blatantly false and  
5 entirely misleading.

6           The only reference in the DC Court of Appeals  
7 decision as to the principal use issue is the following.  
8 "Specifically, the BZA found that the facility constitutes  
9 either an extension of the principal use of the school or an  
10 accessory use."

11           Because the Board's finding that an accessory use  
12 is sustainable, we need not consider whether the facility is  
13 reasonably characterized as an extension of the principal  
14 use.

15           For these reasons, we ask that the Board reject  
16 the arguments of the Friends of the Field and OAG, and  
17 confirm that the applicant's position, supported by the  
18 Zoning Administrator that the proposed special exception  
19 relief requested by the applicant is appropriate.

20           The applicant's burden of proof is to demonstrate  
21 in its special assessment application, in this special  
22 exception application, that the athletic facilities that are  
23 proposed will have no objectionable impacts, a lack of undue  
24 adverse impacts on nearby property due to noise, traffic,  
25 number of students or other objectionable conditions.

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1           Maret has diligently listened, responded, and  
2 revised the plans for the athletic facilities and the parking  
3 area and has reduced the intensity and the use of the fields  
4 in response to the concerns raised by members of the  
5 community, Friends of the Field and ANC 3/4G. All of these  
6 changes have been done to mitigate the potential impacts of  
7 the athletic fields and ensure there are no objectionable  
8 conditions on the neighboring properties.

9           As shown in the applicant's initial statement, its  
10 pre-hearing statement, its response to the motion to postpone  
11 and the materials we will present today, Maret has met its  
12 burden of proof for the required special exception relief.

13           The Office of Planning, the Department of  
14 Transportation and ANC 3/4G agree with that conclusion. In  
15 addition, over 100 letters of support of this application  
16 have been submitted into the record.

17           We will have three witnesses present testimony to  
18 the BZA this morning, Marjo Talbott, Trey Holloway and Jami  
19 Milanovich. I will now ask Marjo Talbott, head of school for  
20 Maret School, to present her testimony.

21           MS. TALBOTT: Good morning. I'm Marjo Talbott,  
22 the head of school at Maret, a position I've held for the  
23 past 28 years.

24           Maret is a co-educational K through 12 independent  
25 school at 3000 Cathedral Avenue Northwest in the Woodley Park

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1 neighborhood. We have a proud history and established deep  
2 roots in the District of Columbia since our founding here in  
3 1911.

4 I'm very excited to be here today to present for  
5 your review our plan to create a multipurpose playing field  
6 and a baseball diamond on the property at 5901 Utah Avenue  
7 Northwest in the Chevy Chase neighborhood, land that we have  
8 agreed to lease from the Episcopal Center for Children or  
9 ECC.

10 These facilities are critically important to our  
11 school's mission. In fact, athletics is one of the four  
12 essential pillars, along with academics, arts and wellness  
13 that define Maret's educational program.

14 True to our mission, Maret is one of the few  
15 independent schools in the DC area that require every student  
16 every year to participate in some form of physical education.  
17 In our middle and upper school, our students participate in  
18 interscholastic sports, building the physical, emotional and  
19 cognitive skills that enable them to become effective team  
20 players.

21 It is a requirement for graduation. And many of  
22 our alumni attend colleges where their athletic  
23 accomplishments at Maret help them in their admission's  
24 application process.

25 Our coaches are an essential part of our faculty,

1 and they teach important skills that transcend athletic  
2 competition and last a lifetime. They emphasize our core  
3 values that include fair play, self-discipline and  
4 cooperation at every grade level.

5           Unfortunately, our program is seriously  
6 constrained by the limited field space available at our  
7 Woodley Park Campus. Our single playing field cannot  
8 accommodate several of our high school level interscholastic  
9 sports, including football, lacrosse, soccer and baseball.  
10 For literally decades, we have sought a long-term solution  
11 to this problem. We believe that currently underutilized  
12 field space at ECC provides that solution.

13           Later you will hear from Stephanie Nash, ECC's  
14 President and CEO, about the amazing work that the Episcopal  
15 Center for Children has been doing for children and their  
16 families for the past 125 years.

17           You will also hear how these essential services  
18 have been interrupted due to financial challenges and how  
19 ECC's partnership with Maret will provide the funding needed  
20 to reopen its therapeutic school as soon as next fall, 2022.

21           In addition to the benefits to both ECC and Maret,  
22 our partnership with your approval, will benefit generations  
23 of District children in the years to come. By sharing the  
24 playing fields with community athletic programs, Maret hopes  
25 to help to alleviate a severe shortage of access to quality

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1 field space in the District of Columbia.

2           Finally, we believe that these fields will be  
3 great assets to the neighborhood because it will make open  
4 space that is currently fully private available to the  
5 community.

6           Maret is profoundly sensitive to the fact that  
7 these new fields will be located in a residential  
8 surrounding, representing change for ECC's neighbors.  
9 Accordingly, we have engaged in a lengthy and broadly  
10 collaborative planning process that sought to discover and  
11 incorporate in our design the perspectives, viewpoints and  
12 interests of our neighbors.

13           Could you show the next slide, please? As  
14 outlined here and fully detailed in our submission -- next  
15 slide, please, too, thank you. Next one. There we go.  
16 Thank you.

17           As outlined here and fully detailed in our  
18 submission, communication with residents of the surrounding  
19 neighborhood has been extensive and ongoing. Maret's wide  
20 ranging community engagement efforts have provided neighbors  
21 and other interested stakeholders with many ways to engage  
22 directly with our project team.

23           As distributed flyers and shared project materials  
24 through the mail, met in small groups with neighbors in their  
25 backyards, conducted virtual meetings to provide project

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1 information and updates, held several office hours Q&A  
2 sessions with members of our consulting team and had  
3 countless conversations with individual neighbors by email,  
4 by telephone and in-person visits.

5           Our team used this enormous amount of input and  
6 feedback to shape and improve many elements of the proposal  
7 that is before you today, including site design and landscape  
8 buffers, stormwater management, traffic and parking  
9 considerations and appropriate hours of facility use.

10           Early in the process we launched a comprehensive  
11 project website with extensive resources about our proposals,  
12 including meeting presentations, filings and submissions and  
13 illustrative renderings. In addition, we responded to nearly  
14 150 questions that are posted and have been submitted to our  
15 website.

16           At the request of neighbors, we developed a  
17 digital model that provided full 360 degree views of the  
18 proposed field from any surrounding vantage point. This  
19 model provided yet another incredibly useful tool that  
20 facilitated several thoughtful discussions and significant  
21 design changes.

22           I want to thank ANC 3/4G chair Randy Speck and  
23 Single Member District Commissioner John Higgins for taking  
24 a lead role on behalf of the full commission in connection  
25 with this proposal.



1           And, in fact, all of the ANC 3/4G's commissioners  
2 spent countless hours walking the ANC property and attending  
3 special meetings so that all parties' viewpoints would be  
4 heard. They all were extraordinarily diligent, carefully  
5 reviewing every aspect of this application and developing  
6 comprehensive conditions of approval for the Board to  
7 consider.

8           We deeply appreciate the Commission's unanimous  
9 recommendation of approval to the BZA. We have also worked  
10 closely with District agencies such as the Department of  
11 Transportation's Planning and Sustainability and Urban  
12 Forestry Divisions, the Office of Energy and Environment, the  
13 Office of Planning and the Public Space Committee to ensure  
14 that our proposal meets regulatory requirements and reflects  
15 district-wide planning objectives.

16           These agencies' support of our proposal reinforces  
17 our confidence that our plan is one that will not only meet  
18 our own institutional needs but aligns and advances broader  
19 District priorities as well.

20           We are truly excited about the opportunity to  
21 advance our school's stated educational mission, support  
22 ECC's important work for children and families, provide  
23 needed field access to District youth and create a community  
24 amenity for residents of the Chevy Chase neighborhood.

25           We very much appreciate your time and

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1 consideration today and respectfully ask for your approval  
2 of our application.

3           And now Trey Holloway, Maret's assistant head of  
4 finance and operations, will discuss the details of our  
5 proposal, including the many meaningful changes that have  
6 been made in response to neighborhood input. Thank you very  
7 much. Trey?

8           MR. HOLLOWAY: Thank you, Marjo, for that  
9 introduction. If you could bump me ahead a slide, please.

10           So as Marjo just said, I'm the assistant head of  
11 school for finance and operations here at Maret. And I'm  
12 going to walk you through the nuts and bolts of our proposal  
13 here for the site, the changes we are proposing to put on the  
14 site, how that's changed over time and what we're proposing  
15 in terms of hours of use on the site.

16           Next slide, please. This is a bird's-eye-view  
17 from Nebraska Avenue of the project that we are proposing.  
18 I'm going to orient you quickly. So on the bottom, which  
19 you'll sometimes hear me refer to as the south of the  
20 property, is where the parking lot is. It's right there on  
21 Nebraska Avenue.

22           On the right-hand side, which I will refer to as  
23 east sometimes, it is 28th Street. To the north at the top  
24 it's Rittenhouse. And then on the left to the west is Utah.

25           So later in the presentation, I will talk about

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1 the Rittenhouse alley, which is behind those houses on  
2 Rittenhouse and then I'll talk about the Utah alley as well,  
3 which is behind those houses that sit on Utah.

4           So I wanted to orient you quickly here. As Marjo  
5 mentioned, the need for Maret is for a baseball diamond and  
6 a multipurpose field. So as you move northward on the site  
7 you'll see the diamond in the field there as they sit on the  
8 site. Those are the major elements that we would propose for  
9 this.

10           So next slide, please. So there's a lot here on  
11 this slide. And I'm going to walk you through some small  
12 text there. But what this really speaks to is the number of  
13 changes that we've made throughout this process. That's why  
14 this is splashed in so much red. Those are all things that  
15 we have done to make changes to the proposal throughout the  
16 community engagement process both with city agencies as well  
17 as with the surrounding neighbors.

18           So I'll start and I will just go through and I  
19 will talk about the changes that we've made, and I'll hit on  
20 each of these boxes.

21           So the curb cut that's on Nebraska Avenue is now  
22 24 feet. We've reduced that to what is the standard limit  
23 for the city. Our parking lot was previously inside of the  
24 building restriction line. The entirety of the parking lot  
25 is now outside of the building restriction line.

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1           We have a rain garden for treating stormwater on  
2 the site. That was previously along the property line there  
3 on the right-hand side on 28th Street. We have now moved  
4 that further into the interior of the property and away from  
5 those neighbor homes.

6           And a little bit more on stormwater. We've  
7 committed to designing our project to the 25-year storm, to  
8 mitigate a 25-year storm. The requirements of DOEE are for  
9 a 15-year storm, but we are making this commitment in  
10 recognition of the effective management of stormwater is key  
11 to the city's environmental future.

12           Our field has a system of gravel and piping  
13 underneath it that will allow the stormwater that drains  
14 through the curb to be collected and deposited in the proper  
15 ways. And we've done a lot of other -- implemented a lot of  
16 the elements into our design to help deal with larger storms  
17 that the city experiences.

18           We significantly have enhanced the landscape  
19 buffering on the site's perimeter to provide visual and noise  
20 buffers to neighbors. I'll show you some pictures in a few  
21 minutes. But in many places we've proposed pre-mature  
22 landscaping to provide those buffers.

23           We'll play football on this site. We've agreed  
24 to utilize football goal posts that can be removed once our  
25 football season concludes. So the neighbors won't have a

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1 visual site of those. They'll be up for four months of the  
2 year, and the other eight months of the year those will be  
3 down.

4           There will be no lights on the field. That will  
5 ensure all activity takes place during the daylight hours.  
6 We've committed to no amplified sounds on the system so no  
7 PA systems, cowbells or bullhorns, nothing other than an  
8 occasional shot clocks during lacrosse games or coaches'  
9 whistles.

10           We reconfigured retaining walls on this site in  
11 response to neighborhood feedback and moved them away from  
12 the alleys, specifically on Rittenhouse. The city has  
13 invested a lot of money in the Rittenhouse and Utah alleys  
14 here on this site. They're what DDOT would refer to as green  
15 alleys and so we want to make sure that those are not  
16 disturbed by what we are proposing.

17           We've reduced the netting that surrounds the site  
18 on the Rittenhouse alley side to 20 feet above the field  
19 level to reduce how much of that is seen by the neighbors.  
20 We've also changed the colors of the poles that will hold the  
21 netting up to be more light and neutral to help it blend into  
22 the surrounding elements.

23           We've relocated the scoreboard from the middle of  
24 the Rittenhouse alley to the northwest corner of the site to  
25 take advantage of the drop of the retaining walls so we can

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1 hide that scoreboard a little bit more. We've actually  
2 reduced the height of the scoreboard twice.

3           Once we put a mockup out on the site. We went out  
4 physically and looked at it. We said that's too high. We  
5 reduced the height of the scoreboard. And then I went out  
6 to a neighbor's backyard because they had concerns still  
7 about the visuals of the scoreboard. And we agreed to  
8 further reduce the height of the scoreboard.

9           In the northwest corner of the site, which I'll  
10 show you a picture of later, we are providing a community  
11 open space of approximately 9,800 square feet. It's where  
12 we're proposing to relocate three heritage trees. That open  
13 space will be secured so that there's no access to it from  
14 the field and vice versa. The neighbors pointed out that  
15 they wouldn't want folks trying to access the field from the  
16 alley. And so we thought that that was something good we  
17 could do to secure that site.

18           We've also added additional mature planting so  
19 that games on the field cannot be viewed from that open space  
20 that we've created.

21           Storage structures on the site have been moved to  
22 the interior of the property to mitigate visual impacts for  
23 neighbors. We've done the same for our dumpsters for trash  
24 collection. There will be serviced from the parking lot and  
25 it will be further away from homes.

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1           There's an existing curb cut currently on Nebraska  
2 Avenue that we propose to close so there are now three curb  
3 cuts on Nebraska Avenue. We've worked with the Episcopal  
4 Center to close one of those curb cuts and then utilize the  
5 new curb cut that we've proposed for both our programmatic  
6 needs and the needs that they will have so the net effect is  
7 very similar on Nebraska Avenue.

8           There is a pickup/drop off zone that is for buses  
9 for dropping off of kids when they come to the site and  
10 picking those kids up when they're done playing. We have  
11 moved that further down Nebraska Avenue to improve the site  
12 lines for drivers who are turning out of the parking lot.  
13 We believe that has a good impact on pedestrian safety for  
14 folks that need to cross that curb cut.

15           The bike rack that we're proposing for the site  
16 for 16 bicycles has been moved inside of the property line.  
17 This will encourage biking. We keep all the bikes parked on  
18 our property and not in public space.

19           And then the last thing is that we've agreed to  
20 upgrade the fencing along the entirety of the property.  
21 Right now most of the property has a chain link fence. We  
22 have agreed that we will install a black picket fencing on  
23 the site so to give that a more clean aesthetic look for the  
24 neighbors.

25           So if I wanted to take the time to go through all

1 of those because those are all things that we've updated and  
2 changed as we've gone through the community process with the  
3 neighborhood and with the city agency since we've started  
4 this back in the fall.

5           Let's go to the next slide, please. So I'm going  
6 to show you some static cuts from around the property's  
7 perimeter. The first two are from backyards on 28th Street.

8           We recognize that this project is not without  
9 impact on the surrounding neighbors. And we hope that these  
10 pictures will give you some insight into how we're trying to  
11 mitigate those impacts.

12           So what you see here is the backyard of a house  
13 that is addressed as a Nebraska Avenue home, but it kind of  
14 sits on 28th Street. So on the right-hand side I will point  
15 out to you that there is a series of retaining walls there,  
16 but they are hard to see because of the landscaping that we  
17 are proposing. So those would -- we're trying to make those  
18 retaining walls blend into the side of it.

19           Go to the next slide, please. So this is the  
20 house next door to the one we just looked at. Again, you  
21 will see the retaining walls, and you will see the plantings  
22 we've put there to -- we've tried to design to mitigate those  
23 visual impacts for the neighbors.

24           If you go to the next slide. This is the same  
25 picture but without the goal posts. So if you recall, I

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1 mentioned that those goal posts will only be up for four  
2 months out of the year. So for eight months of the year,  
3 this will be the view from this particular backyard.

4           If we could go to the next slide, please. So this  
5 is from the east end of the Rittenhouse alley. What you're  
6 looking at right in front of you, this tree is a heritage  
7 tree that we're proposing to transplant and then on ground  
8 level there landscaping that we're proposing.

9           You also get a really good look at the black  
10 picket fence that we are proposing that sits there on top of  
11 that retaining wall. So there are neighbors whose homes look  
12 out onto this visual. And this is what we're proposing for  
13 that site.

14           Next slide, please. This is the 9,800 square feet  
15 of open space that I mentioned earlier in my testimony where  
16 the three heritage trees will be transplanted. We've got a  
17 four foot black picket fence here and a grass area.

18           In the middle of the picture there, you can see  
19 that mature landscaping that I talked about that will inhibit  
20 the view from what we're calling the parklet onto the field.  
21 That way it will discourage anyone from parking a car on  
22 Rittenhouse and trying to go to the parklet and view games  
23 or practices from that area.

24           Next slide, please. And this is from the Utah  
25 alley. This is further down the parklet area. So again we

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1 continue with this mature landscape buffering to again  
2 discourage activity in the alleyway.

3           So next slide. These next two slides I won't  
4 spend a lot of time on. But what we've done here is we've  
5 consolidated in one place all of those plan updates that  
6 we've made that I went over on the slide with all of the red  
7 text boxes. But the point of having them here is that we  
8 wanted to have those changes all kind of in one place and  
9 categorized by issue area so that they're easy to digest and  
10 if you want to go back and read and take a look at them  
11 later, you can do so.

12           So we can skip ahead a couple of slides, please.  
13 Perfect. So what I'm going to talk about now is proposed  
14 hours of usage on the site. We know that this was a very  
15 important piece of our proposal. And what you'll see here  
16 is the colored parts of where Maret proposes programming for  
17 the site, whether that be Maret practices or games, leasing  
18 to youth sports organizations or in the summertime, which  
19 I'll go over, youth sports camps.

20           Those hours represent what is in the ANC  
21 resolution that was passed unanimously, and they were  
22 negotiated extensively with the ANC to find what was an  
23 appropriate hours of use for Maret and other organizations  
24 to use the field.

25           I'll point out that we've committed to no holiday

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1 usage of the site. So anytime there's a federal holiday,  
2 there won't be folks out on the field, either Maret teams or  
3 any leasing of that.

4 So I'm going to take you through this a little bit  
5 here. So we've broken the usage out by season. So there's  
6 a fall season, a winter season, spring and summer and what  
7 we call preseason.

8 So the fall season goes from Labor Day to  
9 Thanksgiving. And during that time period, we generally are  
10 proposing 3:00 to 6:00 p.m. during the week except for  
11 Wednesdays when we start at 2:00 p.m. because our academic  
12 day ends a little bit earlier. And then we propose to go  
13 until 7:00 p.m. on Fridays because we would play games. Of  
14 course, that's dependent on the light because there's no  
15 lights on the field. So if it's dark, we can't go until 7:00  
16 p.m., of course.

17 Our kids will be bussed to the site for practices  
18 and for games. And for practices, they'll be bussed back to  
19 the Maret campus where they will be picked up by their  
20 parents. So for our use here, we won't be generating any  
21 vehicular traffic other than a few coaches who would drive  
22 for our practices.

23 On the weekends, we would propose to have 10:00  
24 a.m. to 5:00 p.m. on Saturday for either Maret games or youth  
25 sports. So in times where Maret would not have a game, we

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1 would propose that we would make the field available for  
2 youth sports organizations to rent and then on Sundays we're  
3 proposing 11:00 a.m. to 3:30 p.m. for youth sports rentals.

4           And then during the week, you see Monday through  
5 Thursday from 6:00 p.m. to 7:00 p.m., we've also proposed  
6 some youth sports hours that would be there.

7           If we can go to the next slide, please. So this  
8 is the winter. In the wintertime, all that Maret is  
9 proposing in terms of use is 90 minutes of youth sports that  
10 would go from 4:00 p.m. to 5:30 p.m. No proposed weekend  
11 usage. This winter period runs from after Thanksgiving until  
12 President's Day.

13           Next slide, please. So this is our spring that  
14 runs from right after President's Day through the end of our  
15 year, which is approximately mid-June. It looks exactly like  
16 the fall. We have proposed the same hours of usage for Maret  
17 as well as for youth sports.

18           Next slide, please. This is the summertime usage  
19 that we would propose. This is from mid-June to mid-August.  
20 So from 9:00 a.m. to 3:00 p.m. during the week, we would  
21 propose that the field be made available for youth sports  
22 camps and then on the weekends from 10:00 a.m. to 5:00 p.m.  
23 for youth sports organizations.

24           Next slide, please. So this slide represents our  
25 preseason which is mid-August to Labor Day. It's when our

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1 fall teams spend time before the school year gets started  
2 preparing for their seasons. And so we would propose to go  
3 from 8:00 a.m. to 6:00 p.m. during this 2-1/2 to 3 week  
4 period. Again, no use on the weekends, but that use during  
5 the week would allow our teams to practice as well as hold  
6 scrimmages.

7           One of the things that I would point out, you see  
8 a lot of light area on that. Those are times where Maret is  
9 not proposing any use. We have worked with the ANC to  
10 identify some times for community usage. And so those are  
11 fully laid out in the agency resolution for you to take a  
12 look at. But that concludes what I'm presenting right now.

13           MR. TUMMONDS: Let me just -- I have one follow-up  
14 question for you, Mr. Holloway. Will there ever be a time  
15 when both the baseball diamonds and the multipurpose field  
16 are both being used?

17           MR. HOLLOWAY: No. So you can have -- you can't  
18 play a baseball game at the same time as you're playing a  
19 lacrosse game or a football game, right? So you can only do  
20 one of those at any given time on the site.

21           MR. TUMMONDS: Perfect. Thank you. And we'll now  
22 have our next witness, Jami Milanovich present her testimony.  
23 Next slide, please.

24           MS. MILANOVICH: Good morning. My name is Jami  
25 Milanovich with Wells + Associates. We are the

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1 transportation consultants for the Maret project.

2           Next slide, please. This morning I'd like to give  
3 you a brief overview of the methodology that we used in  
4 conducting our traffic study, talk a little bit about the  
5 anticipated trip generation for the athletic fields followed  
6 by our recommendations to mitigate the traffic impact of the  
7 project and then I'll wrap up with some conclusions.

8           Next slide, please. The comprehensive  
9 transportation review that we conducted was conducted in  
10 accordance with the DDOT guidelines and requirements. It is  
11 also consistent with industry standard practices. The study  
12 was scoped and that scope was approved by DDOT prior to  
13 beginning the study.

14           The study itself evaluated existing conditions,  
15 future conditions without the athletic fields. And in order  
16 to develop those future traffic forecasts, we applied a  
17 regional growth rate that was developed based on historical  
18 traffic volumes in the area.

19           And we also included nearby planned or approved  
20 developments. And in this case specifically we included the  
21 ECC's plans to reopen their day school program as well as  
22 offer an after school care program.

23           The study also evaluated future conditions with  
24 the athletic field so we layered the traffic associated with  
25 the project on top. And then by comparing the future

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1 conditions with the project to future conditions without the  
2 project, we were able to identify any adverse traffic impacts  
3 associated with the athletic fields.

4           The identification of those impacts was made based  
5 on DDOT's criteria for what constitutes a significant impact.  
6 Based on those impacts, then we were able to recommend  
7 improvements for mitigation. And those improvements were  
8 made based on feedback through many meetings with the ANC and  
9 the community as well as feedback from DDOT.

10           Next slide, please. In terms of our trip  
11 generation, we analyzed two different peak hours. First the  
12 weekday p.m. peak hour was based on a scenario where we had  
13 a typical Maret game with spectators, that includes soccer,  
14 lacrosse or baseball games, followed immediately by the  
15 outside rental of the facility.

16           The Saturday peak hour analysis included a  
17 scenario where we had back-to-back youth sports games. And  
18 so we took into account the overlap between traffic exiting  
19 one game and traffic arriving for the next game as part of  
20 that Saturday peak hour analysis.

21           Next slide, please. This table shows the  
22 vehicular trip generation for the project for both the p.m.  
23 peak hour and the Saturday peak hour.

24           Next slide, please. So in the first line you can  
25 see the vehicular trip generation for a soccer game. I would

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1 note that baseball and lacrosse have similar trip generation  
2 numbers. This assumes that Maret spectators leave the game  
3 during the same period that parents are dropping off children  
4 for the rental use immediately following the game.

5           You will note that there is a zero in the inbound  
6 column. That's because the start of the Maret soccer game  
7 occurs before the p.m. peak hour.

8           Next slide, please. The second line shows the  
9 buses for the Maret soccer game. So one bus for the Maret  
10 team, one bus for the visiting team.

11           Next slide, please. And the third row shows the  
12 trips associated with the outside rental. So, again, those  
13 inbound trips are occurring in roughly the same time period  
14 that trips leaving the Maret soccer game occur. And we did  
15 also assume that just 10 parents wait for their children  
16 while the remainder of the trips drop off their children.  
17 So those 23 trips are coming in and leaving in a relatively  
18 short time period.

19           Next slide, please. And for the Saturday peak  
20 hour, you can see here that we've estimated the trips based  
21 on an overlap between parents and spectators that are exiting  
22 one game while parents and spectators are arriving for the  
23 next game.

24           Next slide, please. So we took that trip  
25 generation and distributed it among the study area. You can

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1 see the study area here. We selected four intersections.  
2 This was done in consultation with DDOT during the scoping  
3 process. And the intersections in the study area were  
4 selected based on those intersections that potentially could  
5 be impacted by the proposed project.

6 Next slide, please. We did identify a couple of  
7 impacts. The first is at the intersection of Utah Avenue and  
8 Nebraska Avenue. Here we analyzed a change in the cycling  
9 and found that if we increased the cycle length of the  
10 traffic length of the traffic signal with that intersection  
11 from just 50 seconds to 60 seconds, that would better  
12 accommodate the volume of traffic at the intersection.

13 And I also think it's important to note that that  
14 change in cycle length would provide levels of service under  
15 future conditions that would be better than current  
16 conditions. Also it's worth noting that the cycle length of  
17 50 seconds at this intersection is very, very short. Just  
18 as a point of reference, generally the prevailing cycle  
19 length in DC is about 100 seconds.

20 So this one is obviously very short. It makes it  
21 difficult to accommodate the volumes that are present there.  
22 And I would note that our recommendation to improve that from  
23 50 to 60 seconds is consistent with recommendations from the  
24 National Association of City Transportation Officials that  
25 says cycle length in urban conditions should be between 60

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1 and 90 seconds. So, you know, a minor adjustment that has  
2 some fairly substantial improvements at that intersection.

3           Next slide, please. The second location where we  
4 identified an impact was at the intersection of 27th Street  
5 and Military Road. We found that if we were to add capacity  
6 at this intersection, it would mitigate the impact of the  
7 project. However, in order to add capacity, we would need  
8 to remove on-street parking on the southbound approach of  
9 27th Street as well as the eastbound approach of Military  
10 Road.

11           We know that adding vehicular capacity does not  
12 always align with DDOT's goals and policies because adding  
13 vehicular capacity can at times have a negative impact on  
14 pedestrians and bicycles. We also know that removing on-  
15 street parking is not always a popular position with  
16 residents in the area.

17           And so oftentimes what we do, and what we've done  
18 in this case, is look for other non-auto infrastructure or  
19 safety improvements to implement in lieu of improving or  
20 adding capacity. And the idea there is that those non-auto  
21 improvements encourage not only people traveling to and from  
22 the project to use non-auto modes of transportation but also  
23 encourages other people traveling through the area to do so  
24 as well and has the result of reducing vehicular traffic in  
25 the area.

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1           Next slide, please. So we developed a list of  
2 non-auto infrastructure and safety improvements, again taking  
3 into account the feedback that we heard through our many  
4 meetings through the community and the ANC. And I'm happy  
5 to say that we have agreed to all of the conditions that DDOT  
6 proposed in their report.

7           So those non-auto improvements include a new 19-  
8 dock Capital Bikeshare Station in the area, the installation  
9 of eight bike racks onsite, which can accommodate up to 16  
10 parked bicycles to encourage people coming to the athletic  
11 fields to bike if they're able to do so.

12           It includes the establishment of a bus zone on  
13 Nebraska Avenue to accommodate buses dropping off Maret teams  
14 as well as visiting teams. Maret has also agreed to install  
15 curb extensions or other pedestrian safety countermeasures  
16 that DDOT may deem appropriate at the intersection of Utah  
17 and Nebraska Avenues.

18           The construction cost there would be capped at  
19 \$70,000 but that does not include the design and permit fees  
20 that Maret would incur in designing and implementing those  
21 improvements.

22           Maret has also agreed to install rapid flashing  
23 beacons, missing curb ramps, high visibility crosswalks and  
24 pedestrian signage at the Nebraska Avenue-28th Street  
25 intersection.

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1           Next slide, please.  Maret has also agreed to  
2 install two curb extensions at the site driveway intersection  
3 with Nebraska Avenue.  They've agreed to upgrade crosswalks  
4 to high visibility crosswalks at three intersections along  
5 Nebraska Avenue.  And they've agreed to install missing  
6 school zone signs and ensure any existing school zone signs  
7 are visible.  And finally they've agreed to improvement a  
8 comprehensive Transportation Management Plan.

9           Next slide, please.  That Transportation  
10 Management Plan includes provisions for non-auto travel.  All  
11 Maret and visiting team students and coaches will be required  
12 to travel to and from the athletic fields by bus for  
13 practices and games.  I note that there are a few very  
14 limited exemptions, which I've listed here.  In the interest  
15 of time, I won't read each of those, but they are very  
16 limited in nature.

17           Next slide, please.  The TMP also includes  
18 operations management strategies.  This is to help manage  
19 traffic coming to and from the project.  Maret is required  
20 to provide a flagger in the parking lot for situations where  
21 the parking lot is expected to reach capacity.

22           The purpose of that flagger is to help direct  
23 traffic to open parking spaces.  Maret is also required to  
24 provide a traffic control officer when there are more than  
25 75 spectators anticipated.  That traffic control officer will

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1 be stationed at the new driveway where it intersects Nebraska  
2 Avenue and will help direct traffic into and out of the  
3 driveway.

4           The operations management piece also requires  
5 limitations on times for trash pickup and requires a 30  
6 minute gap between the end of one game and the scheduled  
7 beginning of the next game and that's in order to give the  
8 parking lot time to empty out between games.

9           Next slide, please. Maret is also required to  
10 provide notification to Maret parents, visiting teams and all  
11 of the outside users of the field, reminding them that if the  
12 parking lot is full and they must park on the street, they  
13 must do so in legal spaces. They are not allowed to block  
14 driveways or park in alleys.

15           When Maret is notified of illegally parked  
16 vehicles, they must take prompt action to find the vehicle  
17 owner and request that the vehicle be moved. Maret is also  
18 required to coordinate with St. John's High School to avoid  
19 scheduling home games at the same time.

20           Next slide, please. At the request of the ANC,  
21 Maret did agree to a monitoring plan. That monitoring plan  
22 requires them to measure the number of trips during both the  
23 p.m. and Saturday peak hours two times per year.

24           If the trip generated by the athletic field  
25 exceeds that used in the CTR, Maret must identify and take

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1 steps to reduce the number of trips. That biannual  
2 monitoring must be conducted until the number of trips is at  
3 or below the trip generation identified in the CTR for at  
4 least two consecutive years. The results of the monitoring  
5 must be submitted to the ANC.

6 Next slide, please. The monitoring plan also  
7 requires Maret to monitor the on-street parking in the  
8 neighborhood. Again, it must be done two times per year and  
9 must be done in situations where the parking lot is at or  
10 near capacity.

11 If the on-street parking occupancy in the  
12 neighborhood exceeds 70 percent, Maret must identify steps  
13 and take steps to reduce the number of vehicles parked on  
14 nearby streets. That biannual monitoring must be conducted  
15 for three years. The results then must be submitted to the  
16 ANC.

17 Next slide, please. And to conclude, again, Maret  
18 has agreed to all of DDOT's proposed conditions. And we're  
19 pleased to have their support of the project. The traffic  
20 impact associated with the project can be mitigated through  
21 implementing a series of improvements, including significant  
22 pedestrian safety improvements. And I would note that's the  
23 biggest feedback that we received from the community. There  
24 was much interest in providing pedestrian safety  
25 improvements. So we've done that.

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1           It also includes non-auto infrastructure  
2 improvements by way of a new Capital Bikeshare Station. And  
3 it includes a comprehensive Transportation Management Plan,  
4 which includes provisions for non-auto travel, the management  
5 of traffic to and from the site and a monitoring plan to  
6 evaluate the effectiveness of the TMP. And with that, I'll  
7 turn it back over to Trey Holloway to wrap things up.

8           MR. HOLLOWAY: Thanks, Jami.

9           Can we go to the next slide, please? Actually,  
10 bump me ahead one more, please.

11           So cases like this often come with conditions of  
12 approval in the form of an ANC resolution, and this case is  
13 no different. I want to review those with you quickly. Just  
14 like our proposal for the appeal, these were extensively  
15 negotiated. We've agreed to them fully. And the ANC's  
16 resolution includes all of these.

17           Next -- oh, we're on the slide. Sorry. Stay  
18 here.

19           So, quickly, goalposts only up for four months a  
20 year, which is during the football season; new black picket  
21 fence surrounding the site; height limits on the perimeter  
22 netting; proper maintenance of the landscape buffer that  
23 we'll install; compliance with our Tree Relocation Plan as  
24 approved by DDOT Urban Forestry; and the use of a  
25 natural-based infill in the field, so not a rubber infill.

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1           Next slide, please.

2           Bleachers will be placed to minimize the visual  
3 impacts on neighbors. There will be ten years' worth of  
4 annual reporting on our stormwater management system; no  
5 lights on the field other than security lighting; the  
6 scoreboard no more than 20 feet from the field level, but  
7 we're on the record here today, and as I've said, we've  
8 reduced that height twice, and we can go down to 17 feet on  
9 that scoreboard.

10           Next slide, please.

11           Again, no amplified sound on the site and no  
12 music, no speakers, no marching band. Nothing other than the  
13 occasional coach's whistle or the shop clocks during the  
14 lacrosse games. Community access time, as well as dedicated  
15 time at the fields, could be used by other city educational  
16 organizations.

17           Next slide.

18           The field will be secured at all times when it's  
19 dark. Given that there are no lights, there's no need to  
20 have it unsecured when it's dark. Negotiation with DPR to  
21 end Maret's preferred permitting agreement at the Jelleff  
22 Field once this field is up and running. No alcohol on the  
23 site. Field-house building will be locked except when the  
24 field is scheduled for use. No access to the site from the  
25 surrounding alleys on Utah or Rittenhouse.

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1 Next slide.

2 Jami just covered all of these with you, but  
3 essentially, the ANC agreement calls for us to comply with  
4 our traffic management plan -- transportation management  
5 plan.

6 Next slide, please.

7 So construction management was a big piece of this  
8 to ensure that the construction does not become a nuisance  
9 for the neighborhood. So we're going to have a project point  
10 of contact as well as a web page. We'll perform surveys on  
11 the homes that sit on the perimeter of the property in  
12 advance of construction so that we all have a good idea going  
13 in of the condition of those homes.

14 We'll have a traffic and parking plan for the  
15 construction period to mitigate impacts of contractor parking  
16 on streets; limited hours of construction from 7:00 a.m. to  
17 5:00 p.m. during the week and 9:00 a.m. to 5:00 p.m. on  
18 Saturday, with no construction on Sundays; creation of a plan  
19 for dealing with noise and construction waste; and there will  
20 be a Project Task Force created by the ANC, and the  
21 conditions require us to work with that task force on any  
22 issues that may arise.

23 And with that, I'm going to close my portion and  
24 hand it back to Paul Tummonds.

25 MR. TUMMONDS: Thank you very much. That

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1 concludes our presentation. We're available to answer any  
2 questions that you may have.

3 BZA CHAIR HILL: Okay. Great. Thank you. Thank  
4 you for your presentation. Okay. So I got you at 45 minutes  
5 here in terms of how long that took you guys.

6 Let's see. I'm going to see -- I mean, the Board,  
7 I know, is going to have a lot of questions, and I know we're  
8 going to hear from a lot of different people. You all can  
9 do it any way you want. I'm going to kind of wait and get  
10 my questions as we kind of go through this.

11 But at this point, is there anything that the  
12 Board would like to ask of the Applicant? And if so, please  
13 raise your hand.

14 Chairman Hood?

15 ZC CHAIR HOOD: Yes. First of all, good afternoon  
16 to everyone. Let me ask -- I don't know, either Maret or Mr.  
17 Tummonds, did Maret -- see, I hear an echo too. Did Maret  
18 finish their obligation to Dwight Mosley Field here in  
19 Northeast Washington, D.C.?

20 MS. MILANOVICH: Could you repeat the question?

21 ZC CHAIR HOOD: Did Maret finish their obligation  
22 to using the field at Dwight Mosley Field off of South Dakota  
23 Avenue here in Northeast D.C.?

24 MR. TUMMONDS: Co-Chair Hood, I think we're not  
25 aware of an obligation to do that with Dwight Mosley Field,

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1 but that's something we should look into and provide for the  
2 record.

3           ZC CHAIR HOOD: I want you to look into that. I  
4 was intimately involved with that years ago, and I just  
5 wondered what kind of track record you had. I know Maret  
6 wanted to use the field. I think it was stopped, but you all  
7 used it anyway. And I just wanted to know how that went.  
8 So that helps me to know what kind of track record Maret has.  
9 And this probably predates the people you have at the table  
10 because this was back in 19 -- probably roughly around '98,  
11 '96.

12           Mr. Tummonds, you mentioned some case law. I'm  
13 always concerned when our former counsel, the Office of  
14 Attorney General now, submits -- I work with them. I know  
15 their work style, and I think that they would not have  
16 submitted that letter if there was not any validity. I'm not  
17 saying I agree with them.

18           But you cited some case law, and I don't know --  
19 did you put that in the record? If you did, forgive me  
20 because I overlooked it. I don't know if it's in your  
21 statement or where, but you cited a whole case about how a  
22 facility working with the courts have already ruled on  
23 certain things that have been brought up in this case.

24           MR. TUMMONDS: Sure. So it was not in the OAG  
25 letter that referred to -- so okay. We'll take a step back.

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1 The National Cathedral School case from 2000, the BZA  
2 approval for the new NCS facility was approved by the BZA in  
3 Case Number 16433. Subsequent to that approval, it was  
4 appealed to the D.C. Court of Appeals in -- I'll get that  
5 cite for you.

6 ZC CHAIR HOOD: That's okay --

7 (Simultaneous speaking.)

8 MR. TUMMONDS: So there was a Court of Appeals  
9 case. The OAG letter didn't refer to the Court of Appeals  
10 case in depth that the Friends of the Field submission did.  
11 I'm taking issue with how the Friends of the Field submission  
12 responded to what that Court actually said.

13 And basically, the gist of it is -- and I'll try  
14 to paraphrase it -- in the MCS case, the BZA had (inaudible)  
15 to say, okay, this educational facility can either be deemed  
16 to be a principal use or an accessory use. In that case,  
17 they said, we can find that an athletic facility is a  
18 principal use. Athletics are a core part of an educational  
19 facility, so we find that it meets that standard.

20 In addition, in that case, we find that that  
21 facility also meets the accessory-use standard. When it went  
22 up to the Court of Appeals, the Court of Appeals said, we  
23 find that the BZA's decision to determine that it met the  
24 accessory standard was sufficient, so we're not even going  
25 in to determine whether or not the BZA was correct when it

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1 deemed it to be a principle use.

2           So, therefore, our arguments, our position, is  
3 that that is still good precedential value for this BZA to  
4 continue to abide by the same idea that an educational  
5 facility is a -- consists of athletic facilities. And so I  
6 think (inaudible) my -- the -- what I was calling out was the  
7 statements of the Friends of the Field, not the Office of the  
8 Attorney General later.

9           ZC CHAIR HOOD: Okay. So let's move on. Mr.  
10 Tummonds, thank you for that. If that's not in the record,  
11 could you provide that?

12           MR. TUMMONDS: I can provide a copy of the D.C.  
13 Court of Appeals --

14           (Simultaneous speaking.)

15           ZC CHAIR HOOD: Court of Appeals. I would like  
16 to have that. Also -- and specifically -- and I'm reading  
17 this straight from the OAG letter, which I think brings up  
18 another attribute. The off-campus athletic facility does not  
19 qualify as a private school personal use eligible for a  
20 special exception in the R-1-B zone because an off-campus  
21 athletic facility is not located on the same premises as  
22 ordinary school campus -- so here's the thing.

23           At the bottom of page 1 of the OAG submission and  
24 at the top -- and they have their searches. I don't know --  
25 I would ask the Chairman -- through the Chairman to move Mr.

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1 Tummonds respond to that unless you already have. I just  
2 didn't see it.

3 But also, I'm in the mindset of really trying to  
4 figure out the path forward. And it would be interesting --  
5 I'll just say it would be interesting if this was to go to  
6 court and the OAG -- not the part of OAG who submitted this  
7 to us, the other part of OAG who would defend the Board of  
8 Zoning Adjustment in Court. It would be interesting to see  
9 where we fall now because here's the thing. I want to make  
10 sure that the sections that the Office of Attorney General  
11 (inaudible) section, that we're not overstepping the bounds  
12 of the Zoning Commission.

13 That's why those two Zoning Commission members are  
14 here, and that's basically what (inaudible). So if you could  
15 respond to that, and I'm sure our legal counsel will help me  
16 to try to understand that clearly as we move forward.

17 MR. TUMMONDS: Yes. I can absolutely put in a  
18 post-hearing submission basically the discussion I had in my  
19 opening statement. And I have all in one place the reference  
20 that we previously decided previously addressed this.

21 But I would note, too, that it's not -- I mean,  
22 we believe that this is the appropriate relief. The Zoning  
23 Administrator believes that this is appropriate relief. The  
24 Office of Planning believes that this is the appropriate  
25 relief. So I think that -- and again, it will be addressed

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1 in detail in our post-hearing submission, the BZA's  
2 precedent.

3 ZC CHAIR HOOD: Okay. I'm just (inaudible)  
4 counsel who has virtually advised us to move this now on  
5 another side and send you something back, send you something  
6 different. So thank you, Mr. Tummonds. And do me a favor.  
7 When you submit that, please take my advice. Don't give us  
8 the wrong legislative issue. If you can put a sound bite,  
9 that would be very helpful.

10 Okay. Thank you, Mr. Chairman. That's all I have  
11 for now.

12 BZA CHAIR HILL: All right. Thanks, Chairman  
13 Hood.

14 Mr. Smith, you had your hand up again?

15 MEMBER SMITH: Yeah. I did have my hand up, but  
16 I think Mr. Hood sufficiently asked my question because I am  
17 -- like him share the same concern. And I get that they --  
18 OAG has been our long-term counsel, and I understand that  
19 things have changed a little bit. But I do share some of  
20 their same concerns.

21 So I welcome what Chairman Hood was saying, that  
22 I would like to see the Maret team respond to the OAG's  
23 comments regarding whether this is an allowable use within  
24 the zone. I get the statement about precedent. I completely  
25 understand that. But also, that case that you cited was from

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1 1999, which did predate the current zoning regulations.

2           So I would like to see a more fully thought-out  
3 response to OAG's position that this is not an allowable use  
4 within the zone, and you would have to seek a variance.

5           MR. TUMMONDS:    Perfect.    Absolutely.    We'll  
6 address that, and I would note, Commissioner Blake, the 2016  
7 zoning regulations --

8           MEMBER SMITH:   Smith.

9           MR. TUMMONDS:    I'm sorry.    Commissioner Smith.  
10 I'm sorry.    I (inaudible).    The 2016 zoning regulations  
11 provide definitions that are even more clear that allow this  
12 use to be deemed to be a private school use, a, in parlance  
13 of the 2016 zoning regulations and education, private use.  
14 So I think that is even more of a background to why this is  
15 appropriate.

16           And I think, also, just as I noted in my opening  
17 statement, I will include the email confirmation from the  
18 Zoning Administrator that this is the proper relief.    And,  
19 also, there is also the other component that the Office of  
20 Zoning Legal Division, your counsel, counsel to the BZA, will  
21 also be providing, I would assume, their opinion on this  
22 issue.

23           ZC CHAIR HOOD:   Okay.    Thank you.

24           BZA CHAIR HILL:   Mr. Blake, do you have any  
25 questions?



1 MEMBER BLAKE: I don't have any questions.

2 BZA CHAIR HILL: Okay.

3 Mr. Donohue, can you hear me?

4 MR. DONOHUE: Yes, I can.

5 BZA CHAIR HILL: Great. So I'm actually going to  
6 lose -- I actually have the DDOT with us, but they have to  
7 leave at 1:00. But what I'd like to do is go ahead and just  
8 -- do you have any questions for the Applicant on their  
9 presentation?

10 MR. DONOHUE: So is -- pardon me. Is the  
11 suggestion to hear from DDOT now, and then the questions?

12 BZA CHAIR HILL: It depends on how many questions  
13 you think you might have.

14 MR. DONOHUE: I think it might be helpful to hear  
15 from DDOT because we do have transportation-related  
16 questions, and Ms. Milanovich has referred several times to  
17 DDOT proposed conditions. So it might make sense to hear  
18 from DDOT and then ask.

19 BZA CHAIR HILL: Okay. But I am also going to ask  
20 another question: how many questions do you think you have?

21 MR. DONOHUE: Less than ten.

22 BZA CHAIR HILL: Less than ten questions or less  
23 than ten minutes?

24 MR. DONOHUE: Less than ten questions.

25 BZA CHAIR HILL: Okay. All right. Okay. Let's

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1 see.

2 All right. Mr. Moy, do you have DDOT there?

3 MR. MOY: Yes. She's on the screen now.

4 BZA CHAIR HILL: Oh. Great.

5 Ms. Blondin? Blondin?

6 MS. BLONDIN: Blondin.

7 BZA CHAIR HILL: Blondin. Can you introduce  
8 yourself for the record, please?

9 MS. BLONDIN: Sure. My name is Emma Blondin, and  
10 I am a transportation planner with DDOT.

11 BZA CHAIR HILL: Okay. Ms. Blondin, I know we  
12 have your report here. Could you just kind of summarize it  
13 a little bit? And then we're --

14 MS. BLONDIN: Yeah.

15 BZA CHAIR HILL: -- going to have people ask you  
16 questions.

17 MS. BLONDIN: Sure. So the Applicant has  
18 coordinated a lot with DDOT on the transportation impacts and  
19 proposed mitigations for the Maret School athletic field.  
20 They've agreed to a substantial package of non-auto  
21 mitigations, including (inaudible) station, pedestrian  
22 improvements at five intersections, curb extensions at the  
23 site driveway, and additional bike parking.

24 The Applicant is continuing to coordinate with us  
25 on public space elements, including those pedestrian

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1 improvements, and will continue to do so through the public  
2 space permitting. And with the agreed-to TDM and operation  
3 management strategies and the pedestrian mitigations included  
4 in the final order, we, DDOT, have no objection to the  
5 approval of this application.

6 And I'm here to answer any questions that there  
7 may be. I'll also note that we did go to an ANC meeting and  
8 answered questions with the community about concerns with  
9 transportation and the CTR.

10 BZA CHAIR HILL: Okay. Let's see. Just so  
11 everybody knows, I'm also going to let the Commissioners ask  
12 questions, as well, because the way this normally works is  
13 we hear from the Applicant, we hear from all the agencies,  
14 then we hear from people in opposition. And so I'm trying  
15 to organize this the best I can because I know that I'm going  
16 to lose DDOT at 1:00.

17 MS. BLONDIN: We appreciate it.

18 BZA CHAIR HILL: Sure. Sure. I wish, Ms.  
19 Blondin, I was leaving at 1:00.

20 So let's see. Mr. Donohue, do you have questions  
21 of DDOT?

22 MR. DONOHUE: Let me ask one question of DDOT.  
23 There was a statement made by Ms. Milanovich that they were  
24 very pleased to have accepted all of the conditions that DDOT  
25 has proposed. There was also a graphic there that showed

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1 four intersections that were -- scoped out, I believe, is the  
2 word she used -- and then evaluated by Wells and submitted  
3 to DDOT. Is that your understanding as well?

4 MS. BLONDIN: Yep. That's correct.

5 MR. DONOHUE: What is the distance between the  
6 property and the intersection of 27th and Military?

7 MS. BLONDIN: I'm not entirely sure, but I'm happy  
8 to look up -- the way that those intersections are selected  
9 are based on the trips and having them disperse in different  
10 directions to make sure that we're accommodating all of the  
11 intersections that need to be addressed.

12 MR. DONOHUE: All right. Let me ask it a  
13 different way, then. Were there no intersections between the  
14 property and 27th and Military that are more appropriate to  
15 evaluate, for example to the east of the property toward Rock  
16 Creek park?

17 MS. BLONDIN: So those ones we didn't evaluate for  
18 that scoping because those are not intersections that have  
19 basically the entrance and exit vehicles that are a  
20 substantial amount of volume.

21 But as we've shown in the recommendations and the  
22 conditions that the Applicant accepted, we are including  
23 pedestrian improvements at some of those intersections to the  
24 east to provide that pedestrian connection to Rock Creek Park  
25 and Beach Drive, which is something that we heard a lot of

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1 concern about at the ANC meeting, is wanting safe connections  
2 to Rock Creek Park and other pedestrian facilities.

3 MR. DONOHUE: Yeah. The pedestrian safety is  
4 certainly important, but I guess I'm asking now about  
5 vehicles and the real concern about vehicles gaining access  
6 to a proposed sports facility. We've heard testimony about  
7 how Maret intends to control its ingress and egress in the  
8 property, and we started to hear about buses.

9 I guess what I'm asking is this: we have a pretty  
10 significant traffic situation now, and we're coming out of  
11 a pandemic. We also have some pretty significant  
12 construction projects just east of the property on Oregon and  
13 in Rock Creek Park. And I guess what I'm getting at is, did  
14 DDOT not consider the impact of these many vehicles in and  
15 out of this property on intersections closer to the property  
16 than 27 and Military?

17 MS. BLONDIN: So we did, and I'd like to mention  
18 those projects that you're talking about -- those projects  
19 were -- because we're in a pandemic, the traffic counts that  
20 the Maret School used were from 2017, and we used adjustments  
21 to bring them up to current and then projected future for  
22 volumes. And so those volumes actually reflect the  
23 pre-construction on those roads that you're speaking of on  
24 Oregon, as well as the closure of Beach Drive. And so the  
25 counts, we found, were sufficient and appropriate.

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1           The other thing, also, is we tend to approach this  
2 as trying to get non-automotive mitigations to the different  
3 issues that are caused by potential development. And so we  
4 wanted to encourage -- because what we heard from the  
5 community was a lot of concern about pedestrian safety. And  
6 so those are the mitigations that we worked on with the  
7 Applicant.

8           MR. DONOHUE: All right. Let me ask you this  
9 question. Maret is proposing a pretty aggressive schedule  
10 of outside use. Folks from elsewhere -- men's leagues,  
11 Montgomery Soccer, again lacrosse, et cetera -- there are  
12 going to be users of this field unrelated to the Applicant,  
13 and they're going to be coming and going on Nebraska Avenue.  
14 And they're not going to be walking. They're more likely to  
15 show up in many vehicles.

16           So did DDOT evaluate those events -- perhaps  
17 jamboree events, perhaps a long weekend with a soccer  
18 tournament, whatever else -- and these users not being Maret  
19 students, being commercial users of the property?

20           MS. BLONDIN: That was within the CTR that was  
21 provided, and we found the analysis done by Wells +  
22 Associates to be sufficient in addressing all of our concerns  
23 for volumes, including these non-Maret uses.

24           MR. DONOHUE: And the tweaks that Ms. Milanovich  
25 suggested to the intersection at Utah, I think -- that's --

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1 MS. BLONDIN: Yeah. So --

2 (Simultaneous speaking.)

3 MR. DONOHUE: -- take care of the traffic  
4 problems?

5 MS. BLONDIN: So we -- the signal timing is a bit  
6 more complex. If we change signal timing at one  
7 intersection, it may mess up some of the flow throughout the  
8 area. And so the signal timing we redo every four to five  
9 years in a comprehensive way, and so we are not recommending  
10 that the Maret School change the signal timing there. That  
11 is something that we will look at on a comprehensive level  
12 when we come back to this area and redo the signal timing to  
13 accommodate those volumes at that time.

14 MR. DONOHUE: So, when Maret says that the  
15 solution at that intersection is to adjust the signalization,  
16 that's not in fact what DDOT's planning to do?

17 MS. BLONDIN: Correct.

18 MR. DONOHUE: Thank you. Last question. There  
19 was testimony about buses coming and going from Maret for the  
20 home team and for visiting teams. Did you hear that?

21 MS. BLONDIN: Yep.

22 MR. DONOHUE: Where are those buses going to park,  
23 and where are they going to idle while they're waiting?

24 MS. BLONDIN: So they will be parking on the  
25 street, on Nebraska Avenue. The Maret School is going to be

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1 putting curb extensions around its curb cut to make sure that  
2 there is visibility for pedestrians that may be crossing the  
3 curb cut. But the buses will be located, I guess, to the  
4 west of that curb cut.

5 MR. DONOHUE: To the west of the curb cut on --

6 MS. BLONDIN: On Nebraska.

7 MR. DONOHUE: How many buses are we envisioning?

8 MS. BLONDIN: I believe it's two. It's one for  
9 the away team, one for Maret.

10 MR. DONOHUE: All right. And what about the --

11 (Simultaneous speaking.)

12 MS. BLONDIN: Sorry?

13 MR. DONOHUE: What about when it's a non-Maret  
14 event?

15 MS. BLONDIN: That space will be used for  
16 pickup/drop-off.

17 MR. DONOHUE: The Nebraska Avenue spaces?

18 MS. BLONDIN: I believe that is the function of  
19 that space. When there's not Maret buses, it'll be for  
20 pickup/drop-off.

21 MR. DONOHUE: Okay. Thank you. I appreciate it.

22 Thank you, Mr. Chairman.

23 BZA CHAIR HILL: Thank you, Mr. Donohue.

24 MR. SHERMAN: Mr. Chairman, it's Bruce Sherman.

25 May I ask a question?

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1           BZA CHAIR HILL:    Okay, Mr. Sherman.    How many  
2 questions do you have, Mr. Sherman?

3           MR. SHERMAN:    I just have one.

4           BZA CHAIR HILL:    Okay.    Go ahead, Mr. Sherman.

5           MR. SHERMAN:    And this is for Ms. Blondin and then  
6 also for Maret if they would care to respond.    I'm  
7 referencing now and reading from our ANC's resolution, which  
8 has recommended approval of the Maret application.    This is  
9 paragraph 36 concerning future traffic conditions.    So I just  
10 want to read a part of this and then have Ms Blondin respond  
11 if she could.

12                   I'm quoting here: any projection of future traffic  
13 conditions requires that a number of assumptions be made,  
14 many of which are necessarily uncertain.    After consultation  
15 with DDOT during the scoping phase, Maret used pre-pandemic  
16 traffic data escalated to reflect normal growth rates so its  
17 analysis would not be affected by the lower traffic volumes  
18 experienced over the past few years during the pandemic.

19                   Maret did not make adjustments, however, to  
20 reflect the imminent reopening of Oregon Avenue after having  
21 been closed for several years, or the National Park Service's  
22 possible continuation of pandemic-related closures of Beach  
23 Drive.    DDOT found that neither the reopening of Oregon  
24 Avenue nor the potential permanent closure of Beach Drive  
25 would have a significant effect on traffic in the study area.

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1 I read that, Chairman Hill and members of the  
2 Board, for the following reason: Nebraska Avenue is a major  
3 commuter route. Pre-pandemic traffic volumes reached around  
4 7,200 cars per day. If that amount of traffic volume was  
5 not taken into account in the study with the corresponding  
6 impacts carefully analyzed, how are we to understand what the  
7 additional traffic brought on by Maret's use of the field,  
8 other sports organizations' use of the field, will have on  
9 congestion, traffic, pedestrian/bicycle safety, and so forth?

10 So I'd like to ask if DDOT could respond to that,  
11 and then Maret.

12 MS. BLONDIN: Sure. So, like I said earlier and  
13 you mentioned, the methodology that was used by Maret did end  
14 up accounting for, I guess, Oregon never being closed in the  
15 first place because it was before all of this construction  
16 happened and then brought up to current-day standards.

17 And so the other thing is, with the possible  
18 closure of Beach Drive, the traffic volumes -- that's  
19 something that NPS will be examining as they consider whether  
20 or not they're going to be closing that. Traffic --  
21 identifying future conditions is always more of an art than  
22 a science. We can't predict the future. If there's anything  
23 we learned over the past couple years, it's that we can't  
24 predict traffic volumes.

25 We're certainly doing our best and trying to find

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1 the best educated guess and using the data that we have  
2 available. And we, DDOT, stand by the traffic analysis that  
3 was done by Maret School for this case.

4 BZA CHAIR HILL: Okay. Thank you, Ms. Blondin.  
5 Okay. Let's see.

6 I'm sorry. Mr. Tummonds, did you have a response?

7 MR. TUMMONDS: Would you like Ms. Milanovich to  
8 answer Mr. Sherman's question, or do you want to wait until  
9 we have all of the questions of us?

10 BZA CHAIR HILL: Either Ms. Milanovich can answer  
11 the question if she wants to, or you guys can also wait for  
12 rebuttal with everything.

13 MR. TUMMONDS: I think we'd just as soon have Ms.  
14 Milanovich answer the question right now.

15 BZA CHAIR HILL: Go ahead, Ms. Milanovich.

16 MS. MILANOVICH: Sure. Happy to address that.

17 So, as Emma had pointed out, we were able to get  
18 some historical traffic counts that were conducted before the  
19 current Oregon Avenue construction project was in place and  
20 before Beach Drive was closed to vehicular traffic. Those  
21 2017 counts were then factored to the current year using  
22 growth rates based on historical traffic volumes in the area.

23 So we believe that -- well, and I will also say  
24 we've also supplemented that data with StreetLight Data,  
25 which is a company that uses GPS and cell phone data, and

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1 that allows us to derive traffic counts. And so we were able  
2 to fold that in, again, predating the pandemic, predating  
3 the current construction project on Oregon Avenue, predating  
4 the closure of Beach Drive.

5           So we believe that we've adequately accounted for  
6 the future traffic on Nebraska Avenue. But I also want  
7 everybody to remember that Maret is responsible for  
8 mitigating the impact of their own project. They're not  
9 responsible for mitigating cumulative impacts of multiple  
10 projects that are contemplated by other parties.

11           So that's why the methodology that we use in D.C.,  
12 as well as every other jurisdiction that I've done traffic  
13 studies in, requires us to compare future conditions with the  
14 project, in this case the Maret athletic fields, to future  
15 conditions without the project so we can isolate the impact  
16 of just the Maret project and identify improvements to  
17 mitigate that impact.

18           So, if you believe that the volume of traffic on  
19 Nebraska Avenue is going to be higher than what we predicted  
20 in our traffic study, I would point out that it is going to  
21 be higher under future conditions without the Maret project  
22 and future conditions with the Maret project. The volume of  
23 traffic generated by Maret is still the same. That delta  
24 between the two scenarios does not change.

25           So I think what's getting lost here, and I think

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1 what I'm hearing, is there's some expectation that Maret  
2 should be responsible for mitigating the impact not just of  
3 their own traffic but of traffic that might be generated if  
4 Beach Drive remains closed in the future, if NPS does decide  
5 to keep Beach Drive closed. So I think it's important to  
6 understand it's a comparative analysis --

7 (Simultaneous speaking.)

8 BZA CHAIR HILL: Okay. I've got to stop you, Ms.  
9 Milanovich.

10 Mr. Donohue --

11 (Simultaneous speaking.)

12 MR. SHERMAN: -- could I just offer one comment,  
13 though --

14 BZA CHAIR HILL: Mr. Sherman, can you turn on your  
15 camera for me?

16 MR. SHERMAN: I'm sorry. I thought I had it  
17 turned on.

18 BZA CHAIR HILL: That's all right. I just can't  
19 see you, so I can't see if you're trying to speak or  
20 whatever. And, Mr. Sherman, all I'm trying to get at is I  
21 haven't heard from your -- I'm not really sure how your  
22 presentation is going to go -- well, wait until you turn your  
23 camera on.

24 MR. SHERMAN: Okay. It should be on.

25 BZA CHAIR HILL: So you have an opportunity now

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1 to give your -- can you guys -- Mr. Tummonds -- mute your  
2 mic? Thanks.

3 I'm just trying to give you an idea, Mr. Sherman,  
4 of where I am, and I'm trying to handle this hearing. You  
5 guys still haven't given your presentation. The ANCs, both  
6 ANC Commissioners, have to give their presentation. The  
7 Office of Planning has to give their presentation. There's  
8 going to be a lot of questions that have been answered. So  
9 I'm trying to kind of move us along.

10 What would you like to ask, Mr. Sherman?

11 MR. SHERMAN: Well, we might have a data  
12 discrepancy. That's one specific thing I wanted to follow  
13 up on. We understand that Maret and Ms. Milanovich used 2017  
14 pre-pandemic data. I just want to confirm that, because we  
15 also understand that Oregon Avenue closed in late 2016.

16 So, depending upon when they used the data, it  
17 would not necessarily have captured all of the traffic volume  
18 that existed before Oregon Avenue closed, not before the  
19 pandemic. And so we have a concern. And also, Chairman  
20 Hill, we aren't expecting that Maret would mitigate all  
21 future traffic conditions --

22 BZA CHAIR HILL: Let me get your first question  
23 answered first.

24 MR. SHERMAN: Okay.

25 BZA CHAIR HILL: So, Ms. Milanovich, did you

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1 understand the question, whether or not Oregon Avenue was  
2 closed when you took that into consideration?

3 MS. MILANOVICH: Right. So our data was from  
4 October of 2017. Like I said, the current construction  
5 project on Oregon Avenue did not start until after that. I  
6 understand --

7 BZA CHAIR HILL: Okay. Give me a second.

8 Ms. Blondin, does that have any influence on  
9 DDOT's analysis?

10 MS. BLONDIN: No.

11 BZA CHAIR HILL: The answer is no. Okay. All  
12 right. So, Mr. Sherman, that's the answer I got from DDOT  
13 right there.

14 MR. SHERMAN: I understand that. But again,  
15 there's a data discrepancy because Oregon closed for the  
16 first sewer project in 2016. So 2017 data would not have  
17 done the trick. So we're just trying to understand the data  
18 points here and understand the traffic volumes.

19 BZA CHAIR HILL: And what I am just trying to  
20 understand from DDOT is they're saying it wouldn't matter.

21 Is that correct, Ms. Blondin?

22 MS. BLONDIN: That's correct. I think Jami  
23 succinctly put what this analysis is trying to accomplish and  
24 that that type of background data is there for background.

25 BZA CHAIR HILL: Okay.

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1 MR. SHERMAN: Mr. Hill, one final thing, and I'll  
2 stop here on this, just to say we don't expect -- I was  
3 starting to say this -- that they would mitigate all of the  
4 traffic impacts. What we're saying is that the additional  
5 traffic impacts need to be understood in the context of what  
6 will be the resumption of a major commuter route. Our family  
7 lives on Nebraska Avenue directly across from the school, so  
8 this is a palpable, real issue for us. That's all.

9 BZA CHAIR HILL: Okay. Ms. Blondin, I'm going to  
10 let you have the last word. Do you have anything to add?

11 MS. BLONDIN: No.

12 BZA CHAIR HILL: No. You're resting on the  
13 record, correct?

14 MS. BLONDIN: Yes.

15 BZA CHAIR HILL: Okay. All right.

16 Mr. Donohue, I have to move this along as best I  
17 can. How long do you need for questions?

18 MR. DONOHUE: I need about five minutes.

19 BZA CHAIR HILL: Okay, Mr. Donohue. Go ahead,  
20 please, and then I have to go through the other agencies that  
21 you can ask questions of.

22 MR. DONOHUE: So this is a question for the Maret  
23 team. And Mr. Tummonds, I suppose, can hand the microphone  
24 as he likes. But to begin with, I think there was various  
25 testimony about stormwater to the effect that the plans for

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1 the property wouldn't be developed in accordance with our  
2 planning for a 25-year storm. Is that correct?

3 MR. HOLLOWAY: Yes.

4 MR. DONOHUE: Are you aware of requests from the  
5 neighbors, specifically from our group, asking for a design  
6 to a 50-year storm?

7 MR. HOLLOWAY: Yes.

8 MR. DONOHUE: Is there a reason why the Maret team  
9 can't accommodate that request?

10 MR. HOLLOWAY: So 15 years is the standard for  
11 what the city requires. We have worked to accommodate a  
12 25-year standard that we're trying to meet. I think  
13 programmatically, we need to look at how we allocate what  
14 we're doing on the site. It's hard to predict sometimes what  
15 a 50-year storm may be as you kind of start to freelance, and  
16 so we want to make sure we're able to meet something.

17 I would say, also, there's a condition that we  
18 report annually for ten years on the performance of our  
19 stormwater management system. So if something is awry, that  
20 will certainly come up during that reporting process. So we  
21 feel good about what we've proposed, knowing that we exceeded  
22 the city standard.

23 MR. DONOHUE: You feel confident you can do a  
24 25-year design but not a 50-year design?

25 MR. HOLLOWAY: I'm not an engineer, but that's

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1 what our engineers tell us.

2 MR. DONOHUE: Okay. Can we go to the graphics  
3 where you were showing the netting above the retaining walls?  
4 I think it was the graphics showing the view from 28th  
5 Street.

6 MR. HOLLOWAY: I will try to pull up the slide  
7 number --

8 BZA CHAIR HILL: Do you know which slide it was,  
9 Mr. Donohue?

10 MR. DONOHUE: No, I don't.

11 BZA CHAIR HILL: Okay. I'm looking at the -- Mr.  
12 Young --

13 MR. HOLLOWAY: I think it was slide 8. Slide 8.

14 MR. DONOHUE: So I believe this is the slide where  
15 you were describing the vegetation proposed for the tops of  
16 the lower retaining walls; is that correct?

17 MR. HOLLOWAY: Yep. That's the one.

18 MR. DONOHUE: What's the height of the retaining  
19 walls at this facility -- at this location?

20 MR. HOLLOWAY: The retaining walls are four feet  
21 tall.

22 MR. DONOHUE: Well, apiece, right?

23 MR. HOLLOWAY: Yeah. Yep. I mean --

24 (Simultaneous speaking.)

25 MR. DONOHUE: What's the cumulative height of the

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1 retaining walls?

2 MR. HOLLOWAY: So there's a series of four-foot  
3 retaining walls. So, at ground level there, there's a  
4 four-foot retaining wall, which is followed by a span of  
5 eight feet. And then there is another four-foot retaining  
6 wall, and then at the highest point, there's a third  
7 four-foot retaining wall.

8 MR. DONOHUE: So the cumulative height would be  
9 12, correct?

10 MR. HOLLOWAY: Yes.

11 MR. DONOHUE: All right. And the height of that  
12 netting above the retaining wall?

13 MR. HOLLOWAY: We've proposed 30 feet.

14 MR. DONOHUE: Thirty plus twelve, correct?

15 MR. HOLLOWAY: Yep.

16 MR. DONOHUE: The visual indicates that that  
17 netting is quite thin, quite ephemeral. Is that -- well,  
18 what are the posts that are going to support those retaining  
19 -- those netting?

20 MR. HOLLOWAY: Can you repeat the question?

21 MR. DONOHUE: I'm trying to get at what the  
22 visibility is going to be for the people that are looking up  
23 at 12 feet of retaining wall and then the netting up above  
24 the retaining walls. And I'm suggesting that that visual is  
25 downplaying the visual impact.

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1 MR. HOLLOWAY: All right. So what's the question  
2 you have for me?

3 MR. DONOHUE: What are the posts that are going  
4 to support that netting?

5 MR. HOLLOWAY: They're metal posts.

6 MR. DONOHUE: And the netting is what?

7 MR. HOLLOWAY: It would be standard athletic  
8 netting. I don't know the exact material of it, but as you  
9 can see that we've depicted here, it is netting that you can  
10 see through. We've made use of it here on our campus in  
11 Woodley Park. And so it's netting that's fairly transparent.

12 MR. DONOHUE: All right. Are there other views  
13 of that retaining walls and netting as you proceed up 28th  
14 Street?

15 MR. HOLLOWAY: If we move to the next slide.

16 MR. DONOHUE: And this is roughly where on 28th?

17 MR. HOLLOWAY: This is at 6004 28th Street.

18 MR. DONOHUE: Do you have an idea how far back  
19 this is from the property line?

20 MR. HOLLOWAY: I don't know the answer to that  
21 question, how far that is back -- to try to give people  
22 perspective, we're talking about a six-foot black picket  
23 fence there, and I believe that person we've depicted is  
24 about 5 feet, 10 inches tall.

25 MR. DONOHUE: Okay. And the height of the

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1 retaining walls in this location is what?

2 MR. HOLLOWAY: It's the same as I described  
3 before.

4 MR. DONOHUE: So 12 feet?

5 MR. HOLLOWAY: Yes.

6 MR. DONOHUE: Thank you.

7 MR. HOLLOWAY: And to be clear, that doesn't span  
8 the entirety of all the 28th Street homes. Because of the  
9 grading changes in the backyards of the homes on 28th Street,  
10 those retaining walls become smaller as you move northward  
11 up 28th Street. So we chose to include this visual --

12 (Simultaneous speaking.)

13 MR. DONOHUE: Understood. I was getting at the  
14 --

15 MR. HOLLOWAY: We chose to include this visual  
16 because we know that this is the largest set of retaining  
17 walls, and we know that they get smaller as you move to the  
18 other houses.

19 MR. DONOHUE: Well, you chose to use the visual,  
20 but you also put quite a bit of vegetation there to hide the  
21 12 feet of retaining wall.

22 MR. HOLLOWAY: Yes. That's our intention.

23 MR. DONOHUE: All right. I've got a couple  
24 questions for Ms. Milanovich.

25 BZA CHAIR HILL: Okay.

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1 MR. DONOHUE: Jami, the explanation about the  
2 buses coming from Maret and going to the fields and parking  
3 on Nebraska Avenue, I ask this question of DDOT: did she  
4 correctly characterize the parking (inaudible) the buses on  
5 Nebraska Avenue?

6 MS. MILANOVICH: Correct. So we will be  
7 establishing a 100-foot bus zone, which is long enough to  
8 accommodate two school buses, and we would anticipate that  
9 once they drop off the students, they would park there until  
10 the practice or the game is done. They would not be  
11 permitted to idle. There are anti-idling laws in D.C. But  
12 they would park there until they leave with the students.

13 MR. DONOHUE: And is there a limit so that there  
14 will be no more than two?

15 MS. MILANOVICH: There's one for Maret team, so  
16 for practices there would be one bus. And for games, there  
17 would be two: one for the visiting team and one for Maret.

18 MR. DONOHUE: All right. And what about Maret's  
19 commercial users? What about the tenants of the field?

20 MS. MILANOVICH: So I don't anticipate any users  
21 having --

22 (Simultaneous speaking.)

23 MR. TUMMONDS: Perhaps -- I think Mr. Holloway can  
24 answer that question. Could you just repeat the full  
25 question? Were you asking about buses for folks who would

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1 lease the field?

2 MR. HOLLOWAY: Yeah. I'm asking about vehicles  
3 coming to the field that are attending non-Maret events.

4 MR. TUMMONDS: Where will they park?

5 MR. DONOHUE: How many? Where will they park?  
6 Will they be subject to the idling requirements? Are they  
7 going to use Nebraska Avenue?

8 MR. TUMMONDS: So we do have estimates in the CTR  
9 of how many folks we anticipate would be using the field at  
10 different times and the vehicular trips. I don't have that  
11 number at the top of my head, but they would use the parking  
12 lot when they would come. If the parking lot does happen to  
13 be full, there would be use of street parking on Nebraska  
14 Avenue.

15 BZA CHAIR HILL: Okay, guys. I've got to stop  
16 this. Mr. Donohue, I need your last question. It's now  
17 coming up on 1:00. What's your last question for the team?

18 MR. DONOHUE: It's been suggested by Maret and  
19 supported by Wells that there are going to be limits on the  
20 vehicles coming and going to the field, and by way of  
21 example, they used Maret athletic events. I'm asking, what  
22 are the impacts that are going to be derived from vehicles  
23 that are there for non-Maret events?

24 BZA CHAIR HILL: Okay. Is that --

25 MS. MILANOVICH: I can answer that. So we've

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1 actually -- in the CTR and as I testified to, our p.m. peak  
2 hour analysis includes the overlap of a Maret game with an  
3 outside user immediately following that Maret game. So those  
4 numbers, the number of trips generated by the outside user,  
5 are taken into account in the weekday p.m. peak hour analysis  
6 that's detailed in the CTR.

7           On Saturday, as I testified to, our peak hour trip  
8 generation is based on back-to-back sporting events for the  
9 outside users. So when, for example, a youth sports game --  
10 when traffic is leaving that game and arriving for the next  
11 game, that overlap in traffic is what our peak hour analysis  
12 on Saturday is based on.

13           So we have taken -- and we selected those peak  
14 hours based on when the most traffic would be generated. So  
15 we have taken into account in the CTR traffic impacts  
16 associated with the outside users.

17           BZA CHAIR HILL: And, Mr. Tummonds, I'm just  
18 asking, in that situation, is that -- you guys in the  
19 conditions, that's when you have the flag people or whatever  
20 organizing parking?

21           MR. TUMMONDS: That's correct.

22           BZA CHAIR HILL: Okay. Okay. So what I want to  
23 do is I want to go to -- where's the Office of Planning? Let  
24 me see -- oh, are the Commissioners here? Is Commissioner  
25 Speck?



1 MR. SPECK: Yes, I'm here.

2 BZA CHAIR HILL: Great. And then Commissioner  
3 Higgins? I see Commissioner -- okay.

4 So, Commissioner Speck, again, what you have now  
5 an opportunity to do is give us your testimony from the ANC.  
6 I mean, we have a very long report from you, meaning you guys  
7 have done a lot of work, it seems like. It seems like this  
8 has gone on for a long time. Right? So perhaps you can go  
9 ahead and give the Board your testimony, and then we'll see  
10 if the Board has any questions, as well as anyone else.

11 And I apologize, Commissioner. You do have an  
12 opportunity to also, as a party, ask any questions of  
13 anybody. Do you have any questions of the team and/or -- I  
14 might have already lost DDOT. It looks like I lost DDOT.  
15 But do you have any questions of the team and/or Ms.  
16 Milanovich?

17 MR. SPECK: No. We've asked our questions  
18 previously for the Maret team and for Ms. Milanovich.

19 BZA CHAIR HILL: Okay. So, Commissioner, could  
20 you please give your testimony to the Board?

21 MR. SPECK: Sure. I will be very brief.

22 I'm Randy Speck. I'm ANC Commissioner for ANC  
23 3/4G03, and I'm Chair of ANC 3/4G. I've been Chair for about  
24 seven years, and I've been on the Commission for nine years.  
25 I live about three blocks from the Episcopal Center for

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1 Children, so I'm affected by all of this as well.

2 I'm here with Commissioner Higgins, whose  
3 single-member district includes the ECC. Together, we've  
4 taken the lead on behalf of the Commission in reviewing the  
5 application, but I want to emphasize that all the  
6 Commissioners were very involved in this process.

7 Over the past six months, our Commissioners have  
8 spent hundreds of hours reading voluminous filings, meeting  
9 with the parties in this proceeding, walking the field,  
10 attending multiple presentations and community meetings, and  
11 most importantly, listening to all of the concerns that have  
12 been raised. We've received many well-articulated letters  
13 of support and opposition.

14 We've attempted to identify reasonable compromises  
15 that would ameliorate any objections. We have weighed the  
16 many competing interests. The Commission's unanimous  
17 February 28th resolution with 21 pages of proposed conditions  
18 attached reflects our best judgment about how the Board  
19 should consider the Maret proposal.

20 The ECC's five-acre fallow field with its chronic  
21 stormwater drainage problems, neglected and dying trees, and  
22 cordoned off with no-trespassing signs is not likely to  
23 continue as it is. The ECC has made it clear that it must  
24 monetize the field in order to further its mission to provide  
25 educational opportunities for underserved children with

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1 severe emotional challenges.

2           The Maret proposal provides ECC with the resources  
3 it needs, satisfies Maret's need for an athletic field that  
4 is necessary for its curriculum, and gives the community a  
5 sorely needed venue for youth sports. This is a positive  
6 outcome and may be better than possible alternatives.

7           ANC 3/4G has no basis to disagree with the expert  
8 analyses of the District's agencies that have reviewed  
9 Maret's application and support the project, so long as  
10 specified conditions are met. These agencies' reports  
11 address many of the concerns that residents expressed in  
12 letters and at multiple forums.

13           The Board notes in its instructions that  
14 Applicants are strongly encouraged to contact the Office of  
15 Planning and relevant ANCs to discuss the merits of their BZA  
16 applications. Our ANC has endeavored to fulfill its role in  
17 that regard. In our report, we've attempted to give the  
18 Board a fair description of the process that we went through  
19 and the basis for the conclusions that we reached.

20           We rest on our report.

21           BZA CHAIR HILL: Okay. And so -- okay. Let's  
22 see. Commissioner Higgins, did you have anything you wanted  
23 to add? You're on mute, Commissioner.

24           MR. HIGGINS: Hello?

25           BZA CHAIR HILL: Yes. I can hear you.

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1 MR. HIGGINS: Okay. No, I do not. I think Randy  
2 summarized our position quite well. We have a 38-page  
3 report, as you know, with quite a lot of detail on conditions  
4 related to traffic and construction process and so forth, so  
5 we're not going to read the whole thing. But it's quite  
6 complete.

7 BZA CHAIR HILL: Appreciate it. It could have  
8 possibly been the longest one I've ever read, but that just  
9 means how much has gone on, also, in this work for you guys.  
10 And --

11 MR. HIGGINS: I would like to point out that we've  
12 had many public forums to feed into these reports.

13 BZA CHAIR HILL: No, that seems like -- I mean,  
14 you guys really, I think, have done hundreds of hours, it  
15 seems like --

16 MR. HIGGINS: Yes.

17 BZA CHAIR HILL: -- of work to get to this point.  
18 And so yeah. So, anyway, okay. Let me see.

19 Does the Board have any questions of the  
20 Commissioners? Sure. Go ahead, Chairman Hood.

21 ZC CHAIR HOOD: Thank you, Chairman Hill.

22 Right quick, Commissioners, first of all, thank  
23 you for your (inaudible) report and all the work that you all  
24 do. I will ask, did the Office of Attorney General reach out  
25 to you all, as well, and ask to support you? I'm just

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1 curious how all this is working.

2 MR. SPECK: They had no contact with us about this  
3 project. We are familiar with the Land Use Division or  
4 section at the OAG, and we have had presentations from those  
5 attorneys. But they didn't reach out to us at all on this  
6 project.

7 ZC CHAIR HOOD: And, Mr. Speck, you do know that  
8 they used to be our attorneys as of four months ago?

9 (Simultaneous speaking.)

10 ZC CHAIR HOOD: Okay. All right. Good. Okay.  
11 Thank you. Thank you for all the work you all do.

12 Thank you, Mr. Chair.

13 BZA CHAIR HILL: Okay. Let's see. Here. Mr.  
14 Smith?

15 MEMBER SMITH: Sure. I had a question, and it's  
16 probably a two-part question to the Maret team and to the  
17 ANC. So I'll start off with the ANC. And this conversation  
18 is not to say where I fall on this particular case. I don't  
19 know where I fall on this case.

20 But my question to the ANC -- and I would just say  
21 kudos to the ANC for a very thorough report to us. As  
22 Chairman Hill stated, that's probably the longest one that  
23 I have seen in this very short amount of time that I've been  
24 on this Board. But I do want to just ask some questions of  
25 these conditions, and it's fairly -- a very extensive list

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1 of conditions, and I understand that the ANC has predicated  
2 their support on those conditions.

3           And I would just state that some of these  
4 conditions do give me some pause from a governmental  
5 regulatory standpoint on how the government can enforce some  
6 of these conditions. So my question to the ANC was that --  
7 was there some discussion of partitioning some of these  
8 conditions, some of these conditions we could enforce that  
9 could be seen as valid or legal zoning conditions that can  
10 be crafted in an ordinance that mitigate zoning impacts and  
11 MOU between the Maret School and the ANC?

12           So that's my question, first off, to the ANC. Was  
13 there some discussion about an MOU?

14           MR. SPECK: There was quite a lot of discussion,  
15 actually. And we've had some experience in similar projects,  
16 notably the Ingleside expansion project that was done several  
17 years ago. And that also was a BZA special exception, and  
18 we had a lengthy set of conditions there as well.

19           The BZA elected to include some of those  
20 conditions in its order, and the rest were an agreement  
21 between the ANC and the owner in that instance. So in this  
22 case, I think the construction impacts in particular are  
23 potential objectionable conditions.

24           And so, in order to mitigate those, that's the  
25 reason why we included a lot of those construction conditions

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1 as well. And I think it would be appropriate to include them  
2 in the BZA's order. If it were not included in the order,  
3 though, we would certainly attempt to have an MOU with Maret.

4 MEMBER SMITH: I would highly suggest that you  
5 reach out to Maret to --

6 MR. SPECK: Well, they have agreed to all of these  
7 conditions. We have talked to them about it, and they've  
8 agreed to all of these conditions.

9 MEMBER SMITH: Right. And I'm not -- and I'm glad  
10 you stated that, because that was my next question to the  
11 Maret team. But my question isn't -- I mean my issue isn't  
12 so much that they agreed to them. It is whether they are  
13 conditions that we can put in an order and the District of  
14 Columbia can fully enforce those, or would it be better to  
15 -- I think from a standpoint of some of -- for example, some  
16 of these operational conditions where they're allowed to have  
17 certain uses to occur at the site during this particular time  
18 during this particular season -- do you understand?

19 It would be a fairly high hurdle for the District  
20 to be able to go out there and enforce during every season,  
21 during every hour in particular time frames the particular  
22 use that may be occurring on that field. So that is my  
23 concern now. I think that that could be something that  
24 could be enforced between the ANC and the Maret School.

25 But I'm getting ahead of myself. But I think

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1 you've answered my questions, then. Just to confirm, just  
2 a question to the Maret School, you've agreed to all of these  
3 conditions?

4 MR. TUMMONDS: Yes, we have. And to answer your  
5 question, Commissioner, we believe that these conditions do  
6 truly relate to the objectionable impact standard that we  
7 need to meet for the special exception. So we believe that  
8 they are appropriate. We think that there is a benefit to  
9 having them as part of the order.

10 But to answer your general question, if the Board  
11 of Zoning Adjustment deems that some of these are not  
12 appropriate, we 100 percent will enter into an MOU with the  
13 ANC to stand by the commitments that we've made to the ANC  
14 and in this case.

15 MEMBER SMITH: Okay. That's great. That's what  
16 I would like to hear. Thank you.

17 BZA CHAIR HILL: Okay. So we've done this in a  
18 variety of different ways before. And so I guess, Mr.  
19 Tummonds -- I think there are going to be things that we are  
20 going to want to see in order to have some deliberations, it  
21 seems already that one of which is what Chairman Hood  
22 mentioned about a response to the OAG letter.

23 And then, also, I guess if you want to submit an  
24 MOU, that can be put in the record there for the conditions  
25 because, again, the conditions -- a lot -- well, not a lot.

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1 Some of those conditions are, as Board Member Smith  
2 mentioned, not only outside of our purview, but are  
3 unenforceable or difficult to enforce.

4 And so what we normally do is, in the order, we  
5 will refer to the conditions that the ANC has agreed -- on  
6 the record, you're agreeing to the conditions right now,  
7 right? So, I mean, it's on the record. Right? But what we  
8 do do is refer in the order, if it's done -- I'm just saying  
9 if this were actually approved, which we don't know yet. But  
10 if it were, there's a reference in the order to the  
11 conditions that have been agreed to.

12 However, what I know we're going to want to see  
13 now, Mr. Tummonds, is an MOU with all the conditions listed  
14 in one exhibit that the ANC can refer to -- or I should say  
15 that the Board can refer to when we're actually going through  
16 this analysis as to whether or not we believe you're meeting  
17 the standard for criteria, whether or not we think that  
18 you're meeting criteria for this application. So that's just  
19 another item of note.

20 So okay. Do my other fellow Board members have  
21 any questions? And I'll come back to you, Commissioner, when  
22 you had your hand up there -- Higgins. Does my Board members  
23 have any questions for the Commissioners?

24 Okay. Commissioner Higgins, you had something to  
25 say?

1 MR. HIGGINS: I just -- yeah. If either of these  
2 is amenable to us, I'm wondering, would your Board draft its  
3 own MOU for us, or are you asking us to draft an MOU for you  
4 to approve?

5 BZA CHAIR HILL: I'm asking the Applicant.

6 MR. HIGGINS: Okay.

7 BZA CHAIR HILL: So go put together an MOU and  
8 exhibit, and you guys can take a look at it. And all they're  
9 going to do is they're just going to cut and paste all the  
10 conditions that you all agreed to already and charge the  
11 school a couple hours and drop it into the exhibit. So  
12 that's how that's going to work.

13 Okay. Let's see. Okay. Nobody has any more  
14 questions of them.

15 Mr. Donohue, do you have any questions of the  
16 Commissioners?

17 MR. DONOHUE: No, sir.

18 BZA CHAIR HILL: Okay. All right. So, then, I  
19 'm a little hesitant to try and do this. But what do you all  
20 want to do? You all want to do lunch, or do you all want to  
21 try to get through -- well, we can try to go through the  
22 Office of Planning. I've already lost DDOT. Why don't we  
23 try to get through Office of Planning, and then we'll take  
24 lunch? And then we'll come back for the party status. Does  
25 that sound appropriate?

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1           Okay. Ms. Thomas, could you introduce yourself  
2 for the record, please?

3           MS. THOMAS: Yes. Good afternoon, Mr. Chair,  
4 members of the Board. Karen Thomas presenting OP's  
5 recommendation for Application 2063 of Maret School's  
6 athletic field.

7           We reviewed this special exception according to  
8 the criteria outlined under Subtitle U, Section 203.1(m);  
9 Subtitle X, Section 104 -- and that would be for the  
10 educational use, including an athletic field -- and from  
11 Subtitle C, Section 710, to permit the location of required  
12 parking in the front yard of the property at 5901 Utah Avenue  
13 Northwest.

14           We reviewed this application on items the  
15 Applicant had to address for us in order to mitigate what we  
16 believe would be adverse impacts should the field be allowed  
17 to operate in the neighborhood, including both staff and  
18 students that may be using the field at any one time, the  
19 intensity of its use, the noise, parking, traffic, stormwater  
20 management, tree preservation and protection, and the  
21 visibility from public space around the neighborhood.

22           I will just touch and highlight on just the main  
23 point as addressed in OP's report. Everything is in OP's  
24 report. I wouldn't go in depth into it. The maximum amount  
25 of students using the field at any one time is not expected

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1 to exceed 60 players. And so we wanted to know about the  
2 intensity of use since the field will be leased to other  
3 sports group.

4 And the Applicant provided a detailed breakdown  
5 of usage by students and other group, as we've seen here in  
6 Exhibit 184(e). The Applicant went through that, so I won't.  
7 But the main takeaway for OP was that usage breakdown for the  
8 year showed that the field will be open for 64 percent of  
9 (inaudible) during the daylight hours, and OP is supportive  
10 of the field use by youth sports as District schools in all  
11 wards could benefit from use of this field.

12 With respect to the noise, since the property  
13 directly abuts the rear yard of four residences, one of which  
14 fronts on Nebraska Avenue and the other three fronting 28th  
15 Street, we were concerned about mitigation of noise since  
16 there would be up to 86, and during larger game events, we  
17 would have -- 100 or more attendees could be present.

18 The Applicant has agreed to prevent the use of any  
19 sound amplification devices during games or anytime during  
20 the use of the premises. And this would be a condition of  
21 approval by both OP and ANC's recommendations. We believe  
22 that the site design, including the seating position  
23 southwest of the site along with proposed retaining walls for  
24 landscaping and with shrubbery -- these elements of design  
25 should be to mitigate noise from unamplified voices.

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1           With respect to traffic management and on-site  
2 parking, 48 on-site parking spaces are proposed with a new  
3 curb cut, with the closure of one along Nebraska Avenue and  
4 100-foot curbside drop-off/pickup area for buses.

5           The Applicant's CTR was extensively discussed here  
6 this morning, and I would not go over that. Suffice it to  
7 say that we understand that the Applicant has agreed to  
8 DDOT's recommendations regarding a TDM plan and operations  
9 plan, along with continued coordination for the life of the  
10 project.

11           With stormwater management, presently there are  
12 no storm pipes or other infrastructure to divert stormwater  
13 from the highest area northwest of the site draining into the  
14 properties to the east. And the system would be designed to  
15 meet a 25-year storm event which exceeds DOEE's requirements.  
16 The stormwater infrastructure, including its bioretention  
17 facility near the parking area, would be designed to mitigate  
18 any flooding of nearby and abutting homes.

19           DDOT's Urban Forestry arborist is going to work  
20 with the Applicant's arborist to ensure that trees that are  
21 proposed to be removed, particularly heritage trees, would  
22 survive, and their report is included with DDOT's report on  
23 pages 7 and 8.

24           With respect to the parking location, we find that  
25 the irregularly shaped property with variable topography does

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1 not feasibly permit the location of parking anywhere else on  
2 the lot. While there's alley access around portions of the  
3 property, access to and from those alleys is -- of that  
4 alley, rather -- is not desirable by residential owners who  
5 would share the alley with the athletic facility, due to  
6 safety concerns.

7           The proposed location would be convenient and  
8 would reduce pedestrian and vehicle conflicts that may occur  
9 in a narrow 15-foot-wide alley, particularly for two-way  
10 traffic during game days. And we have asked the Applicant  
11 to provide additional screening through evergreen landscaping  
12 to shield the view of the area from abutting homes to the  
13 east, and they agreed to do so.

14           Overall, when reviewing whether the proposal would  
15 be in harmony with the general purpose and intent of the  
16 regulations under Subtitles U, Section 203, and X.104, the  
17 Applicant has demonstrated that the proposed facility would  
18 include mitigation measures that OP requested and also by the  
19 community, which would be designed to prevent the use from  
20 becoming objectionable to adjoining or nearby properties due  
21 to noise, traffic, and otherwise objectionable conditions.

22           There were several revisions made to the original  
23 plan based on OP's and community concerns and addressed in  
24 our report on pages 3 and 4 and highlighted, again, in the  
25 Applicant's submission here today, particularly of Exhibit

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1 184(c). Although it's not a desired parking location, it  
2 would satisfy the intent, which would be to reduce the area's  
3 visibility from public space with ample landscaping to screen  
4 its view from residential and public spaces.

5 With respect to whether it will adversely affect  
6 the use of neighboring properties, again, the conditions that  
7 the Applicant has agreed to with the ANC based on community  
8 concerns, we believe, would qualify the mitigation elements,  
9 which are intended to protect the neighboring properties and  
10 the neighborhood overall.

11 And with that, I would end here, and I would be  
12 happy to take any questions. Thank you.

13 BZA CHAIR HILL: Okay. Does the Board have any  
14 questions of the Office of Planning?

15 All right. Does the party in opposition have any  
16 questions of the Office of Planning?

17 MR. DONOHUE: Just a couple questions, Mr. Chair.

18 BZA CHAIR HILL: Sure. Go ahead, Mr. Donohue.

19 MR. DONOHUE: Ms. Thomas, earlier today, there was  
20 a discussion about the AG opinion that was submitted in the  
21 record on March the 8th. Were you at the hearing at that  
22 time?

23 MS. THOMAS: On March the 8th? Yes, I was here.

24 MR. DONOHUE: No, no. On March the 8th, the  
25 Attorney General submitted an opinion to the record. And

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1 earlier today, there was a reference made about the AG's  
2 opinion and how it was perhaps available to or -- the OP  
3 might have had an opinion on that.

4           So I guess my question is this. It's Exhibit 268.  
5 Does the Office of Planning have an opinion on the AG's brief  
6 submitted in --

7           MS. THOMAS: We received that memo yesterday. We  
8 have no opinion at this time. We have relied on the Zoning  
9 Administrator's determination that this is a special  
10 exception use.

11           MR. DONOHUE: So let's talk about that because  
12 earlier today, we heard that the Zoning Administrator had  
13 made such a determination. We haven't had the benefit of  
14 seeing that determination. Has OP seen it?

15           MS. THOMAS: It was cc'd to OP.

16           MR. DONOHUE: What was it dated? Do you know?

17           MS. THOMAS: Yesterday we inquired again. But  
18 this application was self-certified, so we had to go on what  
19 was self-certified.

20           MR. DONOHUE: Understood. Understood. I'm asking  
21 about the AG's opinion, and this is just a follow-up question  
22 here. We, Friends of the Field, have taken the position that  
23 the use proposed by Maret is an accessory use, accessory to  
24 private school that's located some three miles away. Does  
25 the Office of Planning have an opinion on that position?

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1 MS. THOMAS: No -- this is an educational use, as  
2 the definition, and it is zoning regulations. And that's how  
3 we view it.

4 MR. DONOHUE: All right.

5 MS. THOMAS: The definition includes both  
6 facilities as an educational use.

7 MR. DONOHUE: I'm asking a slightly different  
8 question. We take the position that it's accessory to a  
9 private school. And inasmuch as it's accessory, we challenge  
10 whether it meets the standards that it be located on the same  
11 lot. Do you have an opinion on that position?

12 MS. THOMAS: No. No, I don't. We have had  
13 situations where different schools have fields and use fields  
14 that are not adjacent to their school, but it's an  
15 educational use as defined by the regulations.

16 MR. DONOHUE: Thank you, Ms. Thomas.

17 BZA CHAIR HILL: Okay. All right. Thanks, Mr.  
18 Donohue.

19 All right. Commissioners for the ANC, do you have  
20 any questions of the Office of Planning? I can see  
21 Commissioner Higgins. Do you have a question, Commissioner  
22 Higgins, or no?

23 MR. SPECK: No. We have no questions of OP.

24 BZA CHAIR HILL: Okay. Great. Okay. All right.  
25 So, then, this is what I -- oh. Sorry. Mr. Tummonds, do you

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1 have any questions for the Office of Planning?

2 MR. TUMMONDS: No questions.

3 BZA CHAIR HILL: Okay. So this is what I -- let's  
4 go ahead -- it's 1:25. Let's try to get back here at 2:00.  
5 Let's take lunch, and then we'll go ahead and hear from the  
6 party in opposition and have them present their case. I'm  
7 just --

8 (Simultaneous speaking.)

9 MR. TUMMONDS: -- should it be the persons in  
10 support, then party in opposition?

11 BZA CHAIR HILL: What I think it is is -- and I  
12 can have legal help me out with this, Ms. Nagelhout. I know  
13 the order, Mr. Tummonds, in terms of -- I'm not taking public  
14 testimony. I'm going to actually do the party in opposition.  
15 I suppose I could do public testimony and have -- and, Ms.  
16 Nagelhout, I mean, I've done this a variety of different --  
17 Mr. Tummonds, if you would mind not -- I know you don't --  
18 you seem to be indicating you'll let me run the hearing, but  
19 you got the echo going on there on the side.

20 But, Ms. Nagelhout -- so is it okay if -- I mean,  
21 I was just going to have the party in opposition give their  
22 case and go through that, and then go through the public  
23 testimony both in support and opposition, and then have  
24 rebuttal. And that's normally the way I go. But, Ms.  
25 Nagelhout, do you have an opinion?

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1 MS. NAGELHOUT: I don't. The regs do specify an  
2 order, but the Chair is allowed to vary it, which you would  
3 be doing here.

4 BZA CHAIR HILL: Okay. Then I'm just going to  
5 take -- the only reason why I'm doing it is the public  
6 testimony. I'm trying to get the public testimony all at the  
7 same time. So we'll come back and we'll hear from the party  
8 in opposition, have them present their case. They'll have  
9 45 minutes. And then we'll go ahead and go around the same  
10 way that we've been going around.

11 The one thing that Mr. Moy -- can you hear me?

12 MR. MOY: Yes, sir. I can hear you. I'm with  
13 you.

14 BZA CHAIR HILL: (inaudible). I don't know if  
15 anybody's listening for the last case, which is 20505. I  
16 don't know how this is going because this is already taking  
17 longer than I had anticipated. But I'm trying to do this as  
18 expeditiously as possible so that the Board can hear the  
19 testimony of all the parties in this case. So, Mr. Moy, I'll  
20 reach out to you.

21 So, you guys, let's try to come back at 2:00 if  
22 that's good. Okay? All right, everyone. Have a nice lunch.

23 (Whereupon, the above-entitled matter went off the  
24 record at 1:26 p.m. and resumed at 2:07 p.m.)

25 BZA CHAIR HILL: All right. Mr. Donohue, I'm

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1 going to put 45 minutes on the clock there, and you can go  
2 ahead and --

3 Oh, Mr. Moy, if you could call us back in?

4 MR. MOY: Thank you, Mr. Chairman.

5 The BZA has returned to its public hearing session  
6 after a lunch recess, and the time is now at or about 7:07  
7 -- or rather, 2:07 p.m.

8 BZA CHAIR HILL: Okay. Great. Thank you.

9 All right, Mr. Donohue, you can go ahead and begin  
10 whenever you like.

11 MR. DONOHUE: I'm going to hand the microphone  
12 over to Mr. Sherman, who is the lead of Friends of the Field.

13 MR. SHERMAN: Great. Thank you, Ed.

14 And thank you, Chairman Hill and Members of the  
15 Board.

16 I, first, want to say that we are very grateful  
17 to the Board of Zoning Readjustment to give us this  
18 opportunity to speak. We're very grateful to have party  
19 status.

20 What we're going to try to do in our 45 minutes  
21 is tell you who we are; tell you why we're here; tell you are  
22 what our concerns are, and then, share with you an  
23 alternative vision for how this property might be developed  
24 in a way that could satisfy all parties. So, that's what we  
25 have up for you.

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1           If we could pull up the presentation, that would  
2 be great, our PowerPoint. We'll go to the first slide. If  
3 you can go down to the next slide? All right, the next  
4 slide, and the next slide.

5           So, who we are. Now, I recall that, Mr. Blake,  
6 I think it was you, if I'm recalling correctly, when the  
7 hearing took place in January for our party status, you asked  
8 us about the members of our community. So, who is Friends  
9 of the Field? The number of supporters, of people who are  
10 interested in this particular project? So, what we tried to  
11 do in a couple of heat maps here is give you a quick idea of  
12 who we are by the numbers.

13           First and foremost, though, we're an organization  
14 of neighbors. We are not professional activists. We're not  
15 professional consultants. We woke up one day recognizing  
16 that there was looming a very significant project just across  
17 the street from us. And so, we organized to gather  
18 everyone's views, try to represent the concerns of the  
19 neighborhood, which we've done before the ANC, and as we're  
20 doing now with party status before BZA.

21           We're 267 individuals and 142 households. A  
22 hundred and twenty-two of those households lie within  
23 one-quarter mile of the center of the field at the property  
24 of the Episcopal Center for Children. So, that's 86 percent  
25 of the households that are part of Friends of the Field

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1 community.

2           In relation to Maret, and if you look on the maps,  
3 on the lefthand side, we've plotted the households that are  
4 Friends of the Field supporters, and on the righthand side,  
5 we've simply done an overlay of those who we are understand  
6 are Maret supporters, to give you an idea of the  
7 concentration of support that we have. It's 122, roughly,  
8 in this immediate vicinity for Friends of the Field and 16  
9 for Maret, judging again by Maret's letters of support that  
10 have come from the community.

11           But the numbers don't tell the whole story. We  
12 want to give you an idea, more tangibly, of who's in our  
13 community. So, we prepared a very short video we'd like to  
14 show you now.

15           So, BZA Staff, if you could pull up the  
16 "Neighbors" video, I'd appreciate that, and run that. BZA  
17 Team, it's the "Neighbors" video. You had it up before, not  
18 "Neighborhood," rather "Neighbors". There you are. I'm not  
19 hearing the audio.

20           Chairman Hill, are you able to hear the audio?

21           BZA CHAIR HILL: Yes, hold on, Mr. Sherman. I  
22 think Mr. Young is trying to figure it out.

23           MR. SHERMAN: Okay.

24           (Pause.)

25           Chairman Hill, why don't we do this? If he can

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1 just pause what he's doing --

2 BZA CHAIR HILL: Okay.

3 MR. SHERMAN: -- unless he can get it working,  
4 because I'm conscious of the time.

5 All right. Just let me introduce to you Eric and  
6 Candace Campbell, who are neighbors of ours on Utah Avenue  
7 and have joined our community out of concern about a number  
8 of things, which they express in the video -- related to  
9 traffic, related to the livability, the walkability of our  
10 neighborhood. And we had others, also, in our video that we  
11 wanted to show, but if it's not able to play correctly,  
12 that's fine.

13 BZA CHAIR HILL: Give it a second. Let's just  
14 see.

15 MR. SHERMAN: Okay.

16 ZC CHAIR HOOD: Mr. Sherman, we've learned to have  
17 patience.

18 (Laughter.)

19 MR. SHERMAN: Okay, that's good. I appreciate  
20 that, Mr. Hood. I appreciate that. I'm only mindful of one  
21 thing; it's after lunch, folks. This is the worst slot to  
22 be in in the world, right after lunch. You know what I mean?

23 BZA CHAIR HILL: It's better than before lunch.

24 (Laughter.)

25 MR. SHERMAN: Okay. Well, maybe. We thought we'd

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1 show you a movie, if it was after lunch, right? We thought  
2 this would be entertaining.

3 BZA CHAIR HILL: No, it is. I've got to say it's  
4 something different.

5 MR. SHERMAN: Well, if it works.

6 BZA CHAIR HILL: Let me think. I'm just trying

7 --

8 MR. SHERMAN: Yes.

9 BZA CHAIR HILL: Is it an exhibit?

10 MR. SHERMAN: Well, we could break it out as an  
11 exhibit. It's within our PowerPoint.

12 BZA CHAIR HILL: We didn't see it in the  
13 PowerPoint. I've got the PowerPoint up.

14 MR. SHERMAN: Well, it's one of our slides, but  
15 your team asked us to send them the actual original files,  
16 which we did, because they thought it would play out better  
17 off of video.

18 But that's okay. Not to worry.

19 BZA CHAIR HILL: Okay. All right, let's go ahead.

20 Mr. Young, why don't we go back to the slide deck?

21 MR. SHERMAN: Yes, let's go back to the slide  
22 deck.

23 BZA CHAIR HILL: I'm in the slide deck. I can see  
24 Mr. and Mrs. Campbell, and then, "Our goal...." Is that the  
25 next slide?

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1 MR. SHERMAN: Yeah, yeah, yeah. So, if you want  
2 to go back to the slide deck and go back to the heat maps of  
3 Friends of the Field? Let's go back to that. Okay.

4 So, a couple more points about this. When we talk  
5 about those that are keenly interested in this particular  
6 issue, obviously, it's the adjacent neighbors -- we are, of  
7 course, those adjacent neighbors -- that are going to bear  
8 the brunt of any development that is related to the building  
9 out of these athletic fields and their use.

10 When you look at the supporters of both sides in  
11 this, and you think about those that have an allegiance to  
12 Maret, which is totally understandable -- students or former  
13 students, parents of current students, parents of former  
14 students, members of the faculty, and also, those who  
15 participate in various sports organizations that might stand  
16 to benefit from the fields -- it's totally understandable  
17 that they would voice support for Maret's proposal.

18 When you X-out those people and you're left with  
19 the neighbors, and particularly those that, in our case, have  
20 party status, that are immediately adjacent, you see a very  
21 different picture. Overwhelmingly, the immediate neighbors  
22 have expressed concerns about the development. That's the  
23 point that we want to make. We're 267 individuals strong,  
24 as we say, 142 households.

25 Let's go to the next slide. Go to the next slide.

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1 Well, just stop right here.

2 I want to say this, by way of expressing why we're  
3 here: we are here, essentially, with one aim in mind -- to  
4 preserve the integrity and character of our community, as we  
5 say in this statement. I'm not going to read this all. And  
6 that's our main concern.

7 We are not in any way opposed to the development  
8 of athletic fields, if, in fact, this were only about  
9 athletic fields for a school, whether it be Maret or any  
10 other school. Very likely we wouldn't be here taking up your  
11 time.

12 We're here, however, because this is not that.  
13 This is something much more than that. This is something  
14 that has become, in the scope and scale of development that  
15 Maret has proposed, a multimillion dollar, multipurpose,  
16 quasi-commercial sports complex that's going to run nearly  
17 year-round in the middle of a residential neighborhood.

18 So, I want to pause there for one second and try  
19 to convey the gravity of what I'm saying. When you look at  
20 a residential neighborhood like this -- and, of course, it's  
21 zoned residential, as you very well know. Maret is filing  
22 for a Special Exception.

23 This is a neighborhood that is tranquil. It's a  
24 neighborhood where we jog; we walk our dogs; we bicycle. And  
25 this scale and scope of development in the middle of our

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1 neighborhood will fundamentally change it. In fact, we think  
2 it will scar the neighborhood. No matter how beautiful the  
3 drawings seem, when you step back and look at the scope and  
4 scale, the magnitude of this, we believe it's going to leave  
5 an unfortunate, indelible mark, a scar on the neighborhood.

6           And we want to do everything we possibly can to  
7 continue to shape it such that we could live in harmony with  
8 it. That really is what we're asking about, to live in  
9 harmony with it.

10           So, we're going to express our concerns, as I  
11 said. Right now, I want to go to Ed Donohue, our legal  
12 counsel, and then, I'm going to turn to a number of our  
13 neighbors and a few experts, to walk you through the issues  
14 that are of concern to us.

15           Because of the scope of the project, because of  
16 the legal issues, we do not feel that Maret meets the burden  
17 of proof. And in particular, on the legal questions, we are  
18 taken ourselves, by the OAG brief yesterday, and I just want  
19 to read one line of that, that supports what I just mentioned  
20 about what this project actually is. And this is on the  
21 first page of the OAG brief. It's the second paragraph. It  
22 starts with, "As detailed below,...." I'm just going to read  
23 this one line.

24           "OAG asserts that approving the Maret School's  
25 application would not be in the public interest because the

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1 proposed off-campus athletic facility is at commercial scale,  
2 high-intense use that is prohibited in the off-campus site's  
3 R-1-B zone."

4 That, in effect, encapsulates what we feel about  
5 this in terms of the intensity of use and the problems that  
6 this represents for our neighborhood.

7 Let's turn now, again, to Ed Donohue, our legal  
8 counsel, for Ed to walk through the legal case. And then,  
9 after Ed, we will go to, as I said, a number of our neighbors  
10 and a few experts to talk about the impacts, adverse impacts,  
11 that we feel this project will bear.

12 Ed, please.

13 You're muted, I think, Ed.

14 MR. DONOHUE: All right. Let me get right to it.

15 The issue here is the understanding that we have  
16 of the definition of private school.

17 BZA CHAIR HILL: I think it's two slides forward,  
18 Mr. Young.

19 MR. DONOHUE: We've quoted it; Maret has quoted  
20 it. And it's the interpretation of this definition which has  
21 caused the AG to weigh-in.

22 "Private school" is defined as "an educational,  
23 academic, or institutional use," and I --

24 BZA CHAIR HILL: Mr. Donohue, I'm sorry to  
25 interrupt you. I told Mr. Young to go to a certain slide.

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1 Are you --

2 MR. SHERMAN: It's the next slide, Chairman Hill.

3 BZA CHAIR HILL: Is it the legal challenge? Is  
4 that the one?

5 MR. SHERMAN: Right there, yes, and the next  
6 slide. There we go.

7 BZA CHAIR HILL: Okay, great. Thanks.

8 I'm sorry, Mr. Donohue.

9 MR. DONOHUE: How about a pause on the clock, Mr.  
10 Chairman?

11 BZA CHAIR HILL: It ain't soccer, Mr. Donohue.

12 MR. DONOHUE: "Private school" is defined as "an  
13 educational, academic, or institutional use with the primary  
14 mission of providing education and academic instruction," et  
15 cetera. It goes on. "The above uses may include, but are  
16 not limited to, accessory play and athletic facilities going  
17 towards cafeterias, recreational, or sports facilities."

18 It is our position -- and in this, we align  
19 ourselves with the Attorney General -- that this is an  
20 accessory use, unpermitted, not allowed under the zoning  
21 regulations; more to be appropriate of a text amendment in  
22 front of Mr. Hood and the Zoning Commission.

23 We have an undisputed set of facts here that there  
24 is no private school on the property. Adjacent to the  
25 property is the closed ECC facility. It shut its doors in

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1 2019.

2           It's also undisputed that Maret's campus is  
3 somewhere between three and three and a half miles away. It  
4 is not adjacent and it is not the same property. And as  
5 such, it can't meet the standards for an accessory use.

6           Now, earlier, there were some questions -- Mr.  
7 Hood raised the question and others -- musing about what the  
8 Court of Appeals has said about this. When the Court of  
9 Appeals was presented with the National Cathedral School  
10 case, which it decided in 2000, it had an existing Special  
11 Exception for National Cathedral and a question about  
12 expansion of athletic facilities. I'm going to remind you,  
13 that's not the case here. There is no Special Exception on  
14 the premises.

15           And it's the attenuation of the two properties  
16 that gives the real challenge. And the AG has weighed in and  
17 said this cannot be a Special Exception. And as (inaudible).  
18 As Mr. Sherman has said, it's high-intense use that far  
19 exceeds anything that could be expected in an R-1-B zone.

20           But I want to address myself to the parameters  
21 here of the legal argument. (inaudible) principal use. It  
22 seeks to read out the words "accessory" from the definition.  
23 We submit to you that that violates the rules of statutory  
24 construction and violates the holding of the National  
25 Cathedral School.

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1           We have briefed it. We submitted it. We  
2 submitted a brief to the record, and it's our Exhibit 261.  
3 And again, we're going to align ourselves with the Office of  
4 the Attorney General, which, as has been pointed out a few  
5 times, formally sat and advised this Board on many, many  
6 cases.

7           The next speaker, Mr. Sherman again, is going to  
8 address leasing. And I would submit to you that the leasing  
9 to other entities, the commercial use of the property, is a  
10 further attenuation; it's a further stretch, if you will,  
11 suggesting that the accessory use is an impermissible use.

12           Thank you, Mr. Chair.

13           BZA CHAIR HILL: Thank you, Mr. Donohue.

14           Mr. Donohue, I meant to say, "It is like soccer."  
15 So, again, I've got a little timer going, and, you know,  
16 injury is time out. And so, we'll give you your time.

17           MR. DONOHUE: Well, I'm going to hold you to that.

18           (Laughter.)

19           BZA CHAIR HILL: Yes, no problem.

20           All right. Go ahead, Mr. Sherman.

21           MR. SHERMAN: Let's go to the next slide.

22           So, on the leasing question, a first point that  
23 I think is important to bear in mind, that Maret references  
24 benefits to the Episcopal Center for Children and D.C. sports  
25 organizations through leasing. However, these are immaterial

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1 to the application. As we (inaudible), regulations, not  
2 whether it yields ancillary benefits to third parties.

3 As we just referred to, Maret's proposed leasing  
4 threatens to overwhelm the community with objectionable  
5 commercial activity. Third-party use of private school  
6 athletic fields is frequently prohibited or subject to tight  
7 restriction, including by BZA orders. Recent precedents  
8 include St. Alban's, St. Patrick's, and the Field School.

9 It is also important to know that public fields,  
10 different from private fields, are afforded special  
11 accommodation by the city, in the form of less stringent  
12 development requirements, such as stormwater runoff  
13 management, and by the public, in terms of the public's  
14 expected tolerance of increased traffic, noise, et cetera,  
15 for facilities to which they enjoy routine access. Private  
16 fields are a different matter, as BZA has also recognized.

17 Maret wishes to have it both ways. Maret makes  
18 clear the facility would be under its lock and key, open to  
19 the public only at its discretion. Yet, it seeks a  
20 reputational benefit, as well as a financial benefit, from  
21 the prospect of public use. Yet, the public here --  
22 important to underscore -- is largely private sports groups,  
23 to which Maret would lease the facilities for a fee, causing  
24 daily, year-around use of the property. It is plainly a  
25 business proposition and revenue-generator for Maret.

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1           And it is that which leads us to note that it  
2 complicates, we believe, this leasing proposition, Maret's  
3 legal case, but it's also what recasts the initiative for  
4 what it actually is: as I said a moment ago, a multimillion  
5 dollar, multipurpose, commercial sports complex, almost  
6 exclusively for private benefit; yet, proposed for a  
7 residential neighborhood currently zoned R-1-B.

8           Now, because of this and the scope and the scale  
9 of the project, Maret is forced to develop it in the way it  
10 has. And we think the development here for this particular  
11 field is unprecedented. And we want to walk you through now  
12 the considerations about this through a study that we've done  
13 of all the playing fields in the District of Columbia.

14           So, I'm going to turn it over to my wife, Jane  
15 Sherman, who will walk you through that.

16           MS. SHERMAN: Good afternoon. My name is Jane  
17 Sherman.

18           Oh, can I have the next slide, please? Great.

19           My neighbor, Thierry Rosenheck and I used Google  
20 Earth to study athletic fields in the District, looking for  
21 comparables to the Maret proposal. Among other things, the  
22 perimeters of each field we found were examined to consider  
23 how well each field was integrated into its surroundings.

24           Next slide, please.

25           We identified 217 athletic fields in D.C. In the

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1 vast majority of cases, these fields are nestled within a  
2 larger campus, either a school or a park, and any remaining  
3 boundaries are city streets. If we remove these most typical  
4 fields, we are left with 33 fields where even one neighbor  
5 is asked to accommodate an athletic field closer to their  
6 property than across a city street.

7           Next slide, please.

8           However, we agree that it is reasonable to ask  
9 citizens to accommodate a field if it is a public benefit.  
10 Of these 33 fields, 24 are public.

11           Next slide, please.

12           That leaves us with nine private fields with the  
13 residents in close proximity. Out of these nine, four of the  
14 fields either existed before or were developed with  
15 neighboring residences.

16           Next slide, please.

17           This leaves us with five fields in the District  
18 to compare to the Maret proposal. Yet, not one of these  
19 fields is comparable.

20           Next slide, please.

21           These five fields are shown on the following five  
22 slides with neighboring residences highlighted in yellow.

23           Oh, where's my highlighting?

24           Okay, well, you can just see for yourself. To the  
25 right, you have four residences here.

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1 BZA CHAIR HILL: They're highlighted on our slide  
2 deck.

3 MS. SHERMAN: Are they? Okay, great, next slide  
4 please. At most four residences are affected in each field.  
5 Next slide please. You can see that in all cases there are  
6 significant setbacks, and vegetative buffers. Next slide  
7 please. None of these fields has any significant netting.  
8 Next slide. This is Maret, next slide. This, by comparison,  
9 is the ECC field with the Maret proposal, you can see that  
10 31 residences are affected.

11 And there is no room for acceptable setbacks, or  
12 vegetative buffers. In fact, tightness of the site will  
13 necessitate netting 20 to 30 feet tall around most of the  
14 field. Next slide. The unprecedented location of the 48 car  
15 parking lot with SOV, and bus traffic, and associated safety  
16 concerns means an additional 13 neighbors on Nebraska will  
17 also be severely affected. Next slide. Moreover, not one  
18 of the 217 fields in D.C. has anything like the 35 foot  
19 changing grade of the ECC site, necessitating significant  
20 cut, and fell.

21 This dichromatic rendering shows how obtrusive the  
22 proposed field will be. This view is from 28th Street, next  
23 slide. Maret has argued that the proposed field will address  
24 the inequity of field access in D.C., but this is not where  
25 fields are needed most. When it comes to field access, wards

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1 six, seven, and eight are under served relative to wards  
2 three, and four by a factor of approximately two to one. New  
3 fields should be developed in sync with D.C.'s ready to play  
4 master plan. Thank you for your attention.

5 MR. SHERMAN: We'd like to segue now into further  
6 consideration of how Maret is proposing to develop the land,  
7 and for that, I want to turn to another one of our neighbors,  
8 Claudia Russell, who will talk about the environmental, and  
9 site plan issues that we've identified with the plan.  
10 Claudia? Chairman Hill, has she been identified, and  
11 elevated as it were?

12 BZA CHAIR HILL: I don't know. Mr. Sherman, can  
13 you tell me again Claudia's last name?

14 MR. SHERMAN: Claudia Russell.

15 MS. RUSSELL: Can you hear me now?

16 MR. SHERMAN: Yes we can.

17 MS. RUSSELL: I'm an abutting neighbor, and  
18 (inaudible)

19 (Simultaneous speaking.)

20 BZA CHAIR HILL: Ms. Russell, could you introduce  
21 yourself for the record please?

22 MS. RUSSELL: I am Claudia Russell.

23 BZA CHAIR HILL: And where do you live Ms.  
24 Russell?

25 MS. RUSSELL: I live at 5860 Nebraska Avenue

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1 Northwest.

2 BZA CHAIR HILL: Okay, go ahead Ms. Russell.

3 MS. RUSSELL: Would you please (Inaudible.)

4 (Simultaneous speaking.)

5 MR. SHERMAN: Excuse me, Claudia, you need to  
6 indicate next slide, right?

7 MS. RUSSELL: Yes.

8 MR. SHERMAN: Okay, so go onto the next slide  
9 please.

10 MS. RUSSELL: Please advance the slide. And  
11 again. I'm an abutting neighbor, and an architect, I've been  
12 in my home for 23 years. The proposed design is simply not  
13 in keeping with the fabric of our community of single family  
14 homes. As stated in the code, this proposal should not tend  
15 to affect adversely the use of neighboring properties. Next.  
16 Maret pushes their program out to the property lines with  
17 minimal to no buffers for sight, sound, and privacy.

18 There is no field in the city, as you've just  
19 seen, that is so tightly wedged into a residential  
20 neighborhood as Mart proposes this one. What Maret presented  
21 int heir model shots is curiously devoid of the residences,  
22 the very owners of which who feel squeezed by this  
23 overwrought fit. The density of the footprint, and the  
24 intensity of use has boiled down to our epithet that you may  
25 attend a game, or practice, but we will be required to attend

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1 all games, all practices.

2 I'd like to note that the grey in the field is  
3 either plastic turf, or impervious pavers in the parking.  
4 The walls are shown in black, heavy black, and the purple is  
5 the netting. Generally 30 feet, sometimes 20 feet at the  
6 alley, Rittenhouse Alley, and higher at the backstop. We  
7 were told at the outset by Maret that they would not  
8 negotiate the footprint, except for the rearrangement of some  
9 minor elements, and little nips, and tucks around the edges,  
10 such as 20 foot netting on the Rittenhouse Alley. Next.

11 As you just saw, the hill side, which slopes 35  
12 feet from west to east will be flattened with high stepped  
13 walls. The walls on the east side are 12 feet high, they  
14 begin just 4 feet from the residential property line.  
15 Permanent fencing, and netting is 30 feet. As you can see  
16 the before, and after, the tree cover is gone. This is a  
17 diagrammatic rendering at 6004 28th Street showing the  
18 proposal.

19 The arrow on the key plan clearly notes it. Next.  
20 The combination of grey walls, fences, and netting exceeds  
21 the heights of many of the homes around the site. The field  
22 sends a message of an island of enclosure, and not community.  
23 This is the view from 5860 Nebraska towards 6004 28th Street.  
24 Next. This is a view from 5939 Utah Avenue, again showing  
25 the enclosure of the site, and that's a forbidding enclosure,

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1 and it's bereft of trees. Next.

2           The front yard parking lot, a requested zoning  
3 exception, projects beyond the faces of the homes on the same  
4 block. The length of the parking lot is equivalent to seven  
5 residential lots, and would essentially be a strip mall for  
6 47 cars. Ordinary sized cars parked on the lot will rise  
7 higher than the adjacent home. This is a view from Nebraska  
8 Avenue with the adjacent home at 5860. Next. Maret plans  
9 to remove 14 heritage trees, and over 40 special trees per  
10 their documentation.

11           And sweep clean a 3.7 acre portion of the field,  
12 and replace it with plastic turf. This undoubtedly will  
13 increase the heat island effect with this loss of vegetation.  
14 And this directly contradicts Climate Ready D.C., and is not  
15 in keeping with DOE's goal to achieve 40 percent healthy tree  
16 canopy in D.C. by 2033. Please note the substantial impact  
17 on the landscape, and tree coverage in this image. Next.  
18 The removal of the filtering topsoil, and water absorbing  
19 vegetation runs counter to the work that has been done by the  
20 city to capture rainwater in our neighborhood before it  
21 overwhelms Rock Creek.

22           Maret plans to exceed the current requirements of  
23 a 50 year storm to a 25 year storm. However this upgrade  
24 does not realistically incorporate the current, and projected  
25 frequency, and intensity of rainfall in our city. The

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1 possible adverse outcomes of cumulative water of the fields  
2 in the field house, are of great concern to our neighborhood.  
3 A good neighbor would anticipate, and design a system to  
4 accommodate a 50 year storm.

5 I ask before this becomes a reality, we hope that  
6 forward thinking prevails, and the dramatic plan for our  
7 neighborhood will be reconsidered. Thank you.

8 MR. SHERMAN: Thank you Claudia. And now Chairman  
9 Hill, I'd like to introduce Martin Beam. I might have  
10 mispronounced his name earlier as Bream, it's actually Beam,  
11 B-E-A-M, and he's coming to us as an expert as noise,  
12 acoustics issues. So, if we can elevate Mr. Beam, and have  
13 him join us, and go to the next slide.

14 BZA CHAIR HILL: Mr. Beam, can you hear me?

15 MR. BEAM: Yes, I can.

16 BZA CHAIR HILL: Can you introduce yourself for  
17 the record please?

18 MR. BEAM: Yes, my name is Martin Beam. I'm a  
19 principal at Miller, Beam & Paganelli, we're acoustic  
20 consultants in McLean, Virginia, or actually we're in Reston  
21 now, for the last 32 years.

22 BZA CHAIR HILL: I got you. Mr. Beam, I just want  
23 to let you know, technically you guys aren't -- you're not,  
24 I mean I started this at the beginning, just because you have  
25 to apply to be an expert witness, and that's not something

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1 that happened ahead of time. So, we're taking your  
2 testimony, and you can tell us about your background, which  
3 would be helpful again, for the board in order to hear your  
4 testimony.

5 MR. BEAM: Okay, yeah, I've been qualified before  
6 this board, as well as the ABRA, in front of courts, and --

7 BZA CHAIR HILL: As an expert witness?

8 MR. BEAM: Yes.

9 BZA CHAIR HILL: Okay, well then you're already  
10 in the book. If you're already in the book, then that's  
11 fine. Okay, go ahead then.

12 MR. BEAM: So, this installation will exceed the  
13 noise code on multiple cases. Noncommercial unamplified  
14 speech is exempt from the maximum decibel levels contained  
15 in the code. But since Maret is proposing to generate  
16 income, it's actually commercial use, and supported by the  
17 AG also having that finding. Even if the unamplified speech  
18 is considered noncommercial, and thus exempt from the maximum  
19 noise levels in the code, it would still be in violation of  
20 the noise disturbance portion of the code.

21 And that's the sound impact on the neighbors would  
22 be loud, and raucous, and unreasonably disturbs the peace,  
23 and quiet of a reasonable person of ordinary sensibilities.  
24 That last portion is a direct quote from the code. The sound  
25 impact of the crowd noise was estimated by Maret's own

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1 acoustic consultant, Phoenix Acoustics, by assuming one  
2 person was yelling at a level of 90 to 95 decibels when  
3 measured at a five foot distance.

4           They then applied the reduction in sound from this  
5 one person to the residence. Of course, there will often be  
6 more than one person yelling at a time, which will increase  
7 the noise level at the residences. Even with this likely  
8 underestimate of the true noise impact of the crowd noise on  
9 the residences, Phoenix's report estimates noise levels of  
10 76 to 81 DBA at the nearest residences. This is more than  
11 twice as loud as typical levels of conversation, as also  
12 noted in the Phoenix report.

13           Which would disrupt any normal conversation, and  
14 is also well over the noise code. The fields will also be  
15 using referee's whistles throughout the day, which typically  
16 range in level from 113 decibels, DBA, to 127 DBA at a  
17 distance of six feet. This will impact the nearest  
18 neighbors, which according to the Maret acoustic consultant's  
19 report are 25 feet from the fields at a level between 100 DBA  
20 for the quietest whistle, up to 115 DBA for the loudest  
21 whistles.

22           These levels violate the noise code maximum levels  
23 by a long shot. The noise impact levels of the whistles at  
24 the furthest residences, which are 85 feet according to  
25 Phoenix, will result in noise levels of 90 DBA for the

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1 quietest whistles, and 104 for the loudest whistles.  
2 Whistles are not exempt from the maximum noise level limits,  
3 and thus their use would represent an ongoing, unpredictable,  
4 and extremely alerting noise violation, and noise disturbance  
5 for the residences.

6 Consider that whistles are designed to be  
7 alerting, and extremely loud, and get your attention.  
8 Similar, the air horns used for the shot clocks are not  
9 exempt from the noise code maximum levels, and are also  
10 extremely loud. 129 DBA according to the CDC, which warns  
11 against their use due to the likelihood of hearing damage.  
12 In addition, aluminum baseball bats create highly tonal, and  
13 impulsive noise levels of approximately 124 DBA.

14 Tonal, and impulsive noises are more disturbing  
15 to people than bland, steady sound, and all these sources,  
16 crowd noise, whistles, air horns, baseball bats hitting  
17 balls, are highly tonal, and impulsive that will exceed the  
18 maximum noise levels allowed by the code of the neighbor's  
19 residences. I've heard testimony from Maret that they've  
20 taken this into account, and had mitigation measures. Well,  
21 what they've proposed is completely inadequate to shield the  
22 neighbors from noise levels which exceed the noise code.

23 MR. SHERMAN: Martin, are you finished? Thank  
24 you.

25 MR. BEAM: Yes.

1 MR. SHERMAN: Very good.

2 MR. SHERMAN: Unless there's questions.

3 MR. BEAM: Excellent.

4 MR. SHERMAN: Well, I think Chairman Hill will  
5 have questions at the end, correct? Okay, excellent. Well,  
6 let's proceed on to the next area of concern, and we have two  
7 more. One is about the use of synthetic, or plastic turf, and  
8 the second are the traffic, and transportation issues. So,  
9 if we go to the next slide, and then the next slide. So,  
10 problems with plastic turf, I want to bring into the  
11 conversation now, Chairman Hill, Kyla Bennett, and Diana  
12 Conway.

13 Under the provisions you've already identified,  
14 that they were not registered as experts, we understand that.  
15 So, I would like to elevate both Kyla, and Diana so they can  
16 speak. Thank you. And Kyla?

17 MS. CONWAY: Can you hear me?

18 MR. SHERMAN: I think that's Diana, yes, we can.

19 BZA CHAIR HILL: Yes, we can hear you. Can you  
20 introduce yourself for the record please?

21 MS. CONWAY: Thank you. Sure, my name is Diana  
22 Conway, I live at 10600 River Road in Potomac, and I am a  
23 retired attorney, and president of Safe Healthy Playing  
24 Fields, it's a national 501(c)(3) nonprofit.

25 BZA CHAIR HILL: Okay.

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1 MS. CONWAY: We have an all volunteer build with  
2 no conflicting interests in any kind of sports fields. For  
3 over a decade, we've equipped communities, and policy makers  
4 like you with science, and facts on plastic, and grass  
5 fields. I have three points to make about plastic fields.  
6 Basically more injuries, mountains of plastic waste  
7 pollution, and dystopian heat. First slide please. I'm  
8 sorry, that's the heat effect. Okay, skip to heat.

9 MR. SHERMAN: Let's go back one slide perhaps  
10 Diana, are you reading off --

11 MS. CONWAY: I thought we were starting with --

12 MR. SHERMAN: That's fine, go forward then. We'll  
13 just go forward one.

14 MS. CONWAY: The shocking heat of plastic fields  
15 is not even in question, even with the new infills. When was  
16 the last time anyone here played on a surface that was 100  
17 degrees in D.C. humidity? Much less 110, or 120. These are  
18 the D.C. area readings, even with the newer plant based  
19 infills, all of which have their own problems, which I would  
20 love to address. Next slide. Synthetic turf fields have a  
21 dramatically higher injury rate, which has been proved thanks  
22 to multiple studies by both the NFL, and the NCAA, and is  
23 available in any Google search of notorious injuries.

24 You can see here Odell Beckham went down in a  
25 non-contact injury, that's what those studies are about, is

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1 non-contact injuries. Next slide. These plastic turfs are  
2 completely unrecyclable. They have been in place since the  
3 1966 Astrodome, so for over 50 years, the industry has failed  
4 completely to find a solution for the rising mountains of  
5 dramatically toxic plastic that we are injecting into our  
6 communities, and leaving usually in ravines, and back woods.

7           Next slide, okay that's the next speaker, and so  
8 I just want to -- I hope people will ask me questions,  
9 there's a ton more to say about these, thank you.

10           MR. SHERMAN: Great Diana. Let's go back to the  
11 bullet points for this particular section on plastic turf  
12 please, it'll be three slides back. There you are. And  
13 Kyla, please join us.

14           MS. BENNETT: Yes, thank you so much, can you hear  
15 me?

16           MR. SHERMAN: Yes.

17           BZA CHAIR HILL: Yes, could you introduce yourself  
18 for the record please?

19           MS. BENNETT: I will. My name is Kyla Bennett.  
20 I am the science director for Public Employees for  
21 Environmental Responsibility, or PEER, which is a national  
22 nonprofit based in Montgomery County. I have a PHD in  
23 ecology, and a law degree with a certificate in natural  
24 resources, and environmental law. I am not being paid for  
25 this testimony, I am volunteering my time. In 2019, I

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1 discovered that there is PFAS in artificial turf.

2 PFAS stands for per, and polyfluoroalkyl  
3 substances, a class of thousands of persistent, and toxic  
4 chemicals. They are nicknamed forever chemicals because they  
5 do not break down. PFAS cause health problems, some are  
6 carcinogens. They affect the immune system, your kidneys,  
7 development in children, raise your cholesterol, and make  
8 vaccines not work on you. EPA does not yet regulate PFAS,  
9 but they are poised to do so, and they are going to be  
10 issuing regulations this year, and next.

11 Over the years numerous turf samples have been  
12 tested for PFAS, they all have PFAS. Industry claims it's  
13 the safe kind of PFAS, but as far as we can tell, there is  
14 no safe PFAS. In November, EPA determined that there is  
15 virtually no safe level of three of the thousands of PFAS,  
16 and these are PFAS that we are finding in artificial turf.  
17 We measure them in the parts per trillion, but EPA is telling  
18 us that they are toxic in the parts per quadrillion, which  
19 we cannot even measure.

20 There are three exposure pathways for PFAS,  
21 ingestion, inhalation, and dermal absorption. Children using  
22 this field will be exposed through all three pathways.  
23 Moreover, the PFAS will leech off the fields, and affect  
24 neighboring houses. If you put in an artificial turf field,  
25 the PFAS will leech off into both the soil, and the ground

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1 water. Dust, and microplastics containing PFAS will pollute  
2 the area. Even though industry tells us otherwise,  
3 scientific research shows that between 55, and 218 kilograms  
4 of blades break off each field every year.

5           Each of these little pieces of microplastic is a  
6 little, toxic, time bomb. It doesn't matter what kind of  
7 infill you use. If you use organic infill, some of those  
8 have PFAS in them as well, like the BrockFILL. I urge you  
9 to reject the artificial turf. Grass is safer, it's cheaper,  
10 and it will not poison your neighborhood. Once you  
11 contaminate your soil, and your groundwater with PFAS, it is  
12 yours to keep forever, there is no getting rid of it. Please  
13 don't make this mistake. And thank you so much for your  
14 time.

15           MR. SHERMAN: Thank you. Chairman Hill, it's  
16 logical that there would be questions, perhaps from the  
17 board, or others about how to maintain a natural turf field.  
18 We've had a lot of conversation over the last several months  
19 about this, so we're happy to take questions on that in due  
20 course. I want to transition now to our last segment on the  
21 adverse impacts of Maret's proposed development, and that  
22 concerns traffic, and transportation.

23           For that, I'd like to bring in Tom Downs, and  
24 David Patton, who are neighbors, and both actually experts  
25 on transportation issues. I use expert --

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1 MS. CONWAY: I don't have any idea even how much  
2 time I took.

3 MR. SHERMAN: Diana, you want to mute.

4 MS. CONWAY: Exclamation point, Kyla, that was  
5 tremendous.

6 MR. SHERMAN: Hey, Diana, and Kyla, you guys want  
7 to mute, we can still hear you. So, let's bring in Tom  
8 Downs, and David Patton. And go to the next slide please,  
9 actually go three slides down. One more, there we are, all  
10 right. David, and Tom.

11 MR. PATTON: Hello, hear me?

12 MR. SHERMAN: Yes.

13 BZA CHAIR HILL: Yeah, can you introduce yourself  
14 for the record please?

15 MR. PATTON: Yes, I would be happy to. My name  
16 is David Patton, and I'm here with Tom Downs, he's having  
17 computer problems at his house, so he came over, and we're  
18 going to squeeze tight for the camera.

19 BZA CHAIR HILL: Okay, great.

20 MR. PATTON: My name is David Patton, I live at  
21 6007 28th Street, which is at the east end of the Rittenhouse  
22 Alley. Tom?

23 MR. DOWNS: Hi, I'm Tom Downs, I live at 3035  
24 Oliver Street, with a direct view of what would be home  
25 plate, and the curb cut.

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1 MR. PATTON: All right, so we have a two for also.  
2 So, I am a transportation planner, I would disclaim the idea  
3 that I'm an expert, and I'm not an engineer, but I do work  
4 in the transportation industry, and have for many years. The  
5 Maret sports field proposal has received conceptual approval  
6 for a new commercial driveway on residential Nebraska Avenue  
7 to serve the parking lot, but there are problems with that  
8 approval, and we touched on them earlier.

9 The traffic study that underpins that, and other  
10 decisions was fundamentally flawed. DDOT, and Maret's  
11 engineering firm failed to account for the long term closure  
12 of major roads nearby, and then used the wrong base year for  
13 traffic data. That matters, because it resulted in estimates  
14 of future traffic that are too long -- sorry, too low, and  
15 too rosy. And they also assessed safety concerns too  
16 narrowly.

17 I would ask to go back to the map, but let's not.  
18 I think people understand where Nebraska Avenue is, where  
19 Oregon Avenue is, and that Nebraska, and Oregon together  
20 constitute a popular commuter route between Silver Spring  
21 Maryland, and D.C. Pre-pandemic, those roads were a busy  
22 commuter route, but Oregon has been partially, or completely  
23 closed since 2016 for major construction. And what DDOT  
24 might have overlooked is that prior to the road  
25 reconstruction, there was a major sewer project that had the

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1 road torn up beginning in 2016.

2           Using volume numbers from 2017 to factor, and  
3 extrapolate is just poor practice. Extrapolating those  
4 numbers led to unrealistically low future estimates. We  
5 asked repeatedly for DDOT to take into consideration the road  
6 closures int his neighborhood, and we were denied every time.  
7 Two other important nearby roads have also been closed for  
8 years, compounding the under estimation of past traffic, and  
9 future traffic.

10           Bingham Drive has been closed longer than Oregon,  
11 and Upper Beach Drive has been closed first for  
12 reconstruction, and then throughout the pandemic, and may now  
13 be closed permanently to cars. These closures divert even  
14 more traffic onto Nebraska, onto Oregon, and into our  
15 neighborhood. When Oregon reopens soon, numbers are likely  
16 to be 30 percent higher than pre-pandemic levels, and 2000  
17 vehicles per day higher than Maret's estimate.

18           I walked down last night to look at the new bridge  
19 over Pinehurst Branch. It's 30 feet wide, it's a major  
20 bridge, there's major capacity increases on Oregon Avenue.  
21 The driveway entrance, as this one is proposed, on a major  
22 street with 9500 cars per day, and crowds of pedestrians at  
23 rush hour, that's what's missing from the traffic study.  
24 Crowds of pedestrians crossing the street. They want to put  
25 curb nubs at the driveway entrance, but not a crosswalk.

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1           They want to put the crosswalk projections 330  
2 feet away at 28th Street, but that's not where the  
3 pedestrians will be. Tom is going to elaborate a bit more.  
4 Thank you.

5           MR. DOWNS: All right, I'm Tom Downs, I'm a former  
6 director of the District Department of Transportation, and  
7 a former city administrator of Washington D.C. I want to  
8 focus just on the curb cut. Even at the far lower estimate  
9 level of 7200 average daily vehicles on Nebraska Avenue, the  
10 site around the curb cut is extremely challenging. The line  
11 of sight to the crest of the hill is very short. You can't  
12 even see the traffic signals on Utah from the curb cut.

13           The natural instinct of all of the pedestrians  
14 leaving the site that park on the opposite side of Nebraska,  
15 is that they're going to walk across Nebraska Avenue, not  
16 taking into account from DDOT, the limitations on line of  
17 sight, and the average speed on Nebraska Avenue, which has  
18 been far above the speed limit. It speaks to the need, if  
19 this is an educational facility, that this is a school  
20 crossing. Officially, it needs to be signed as a school  
21 crossing.

22           It needs to be pavement marked as a school  
23 crossing. It needs flashing yellow lights when in use, and  
24 it needs a 15 mile an hour speed limit. I'm speaking for the  
25 health, and safety of the parents, and children who will be

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1 entering, and leaving that site, and that this has to be a  
2 condition of approval if this is approved for the full  
3 operation of the field, thank you.

4 MR. SHERMAN: Thank you Tom. Chairman Hill, we've  
5 got one more segment for about another three minutes, and  
6 then we're done.

7 BZA CHAIR HILL: Okay.

8 MR. SHERMAN: So, I want to turn to really an  
9 important part of this for us. We've been told by Maret, and  
10 also by ANC that this project has to be the way it is. That  
11 it has to be this scope, it has to be this scale. We  
12 obviously have indicated we find it too big simply put, for  
13 a residential neighborhood. Too intrusive, too disruptive.  
14 But we've also taken it upon ourselves to think creatively  
15 about what might work here.

16 Now, we're not under the impression that the board  
17 could choose between two different proposals, we're not  
18 suggesting that. What we are wanting to do is demonstrate  
19 our good will towards what I said at the beginning. If this  
20 is about a school's access to this property for practice, and  
21 playing fields there's a way to make it work. So, we just  
22 wanted to walk you through that in just a few minutes. I'm  
23 going to turn back to David Patton, and have him do that.  
24 Next slide please.

25 MR. PATTON: One more please. So, briefly we're

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1 going to look at two alternative schemes that Friends of the  
2 Field has developed. These are not fully fledged engineering  
3 proposals, these are sketches somebody elaborated that look  
4 at one field with natural turf that's used by ECC, and  
5 combined, these reduce the objectionable conditions in the  
6 project as it stands. Next please. This is the first  
7 scheme.

8           It's a single large, very large, regulation size,  
9 professional size soccer field with a somewhat reduced  
10 parking lot at the end. Fewer car spaces are needed than in  
11 the current Maret proposal. Even the current Maret proposal  
12 provides more parking than is needed. This scheme shows 45  
13 percent less lot coverage than the 3.7 acres of the Maret  
14 proposal. Sound mitigation, privacy, and visual intrusion  
15 are much improved with this approach.

16           This would be a field in a park like setting, not  
17 a field perched on a high, artificial plateau. Fencing would  
18 only be needed around the field, and not around the entire  
19 five acre site. Construction would involve much less cut,  
20 and fill. This approach sends a message of openness, and  
21 respect for the setting, and the neighbors. Next please.  
22 This is the same scheme shown against Maret's tree survey  
23 plan.

24           Far more of the natural site is preserved, much  
25 more generous buffers for privacy, and to help mitigate

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1 noise. Next please. We developed a second alternative, and  
2 I'll say that these were developed at a time when we were  
3 working in good faith to try to reach some sort of compromise  
4 with the Maret team. This alternative shows parking now  
5 moved even further to the interior of lot, and better  
6 shielded from Nebraska Avenue.

7           Locating parking here would not require a special  
8 exception. If this parking lot were created with pervious  
9 paving, it would allow for underground rainwater storage, and  
10 that would reduce loads both on the storm water system, and  
11 provide a reservoir for maintaining the natural grass field.  
12 Engineered grass fields are cooler, reduce injuries, carry  
13 vastly reduced toxic loads, and support natural ground water  
14 infiltration, and absorption.

15           And Kyla, and Diana have provided many, many  
16 resources for further information. Next please. This is  
17 that same scheme again projected against Maret's tree survey  
18 plan. Even less impact on existing trees. Additional  
19 heritage trees can be saved, and there's an opportunity for  
20 planting many new trees for all the benefits that trees  
21 provide. This would be far preferable to a fringe of  
22 landscaping shrubs, and raised retaining wall planters.

23           Locating the driveway here, instead of where it  
24 has been conditionally approved improves sight lines at the  
25 crest of the hill of Nebraska Avenue. And as before, less

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1 intense use of the field means less traffic, fewer safety  
2 concerns, and less traffic noise, and pollution. Going back  
3 to the drawing board, as we have done, shows that the Maret  
4 proposal on the table is not the only possible alternative,  
5 even if Maret can overcome the legal hurdles of building a  
6 commercial scale off campus athletic facility in a  
7 residential zoning district.

8           Our scheme, again, clearly not a full blown  
9 engineering proposal, reduces lot coverage, requires less  
10 paved parking, reduces tree impact, reduces storm water  
11 loads, would reduce traffic, and parking pressure, reduces  
12 noise, and by increasing buffers, would be more compatible  
13 with this residential setting. It would tend to preserve,  
14 and stabilize our community, and this city, not disrupt them.  
15 Thank you very much.

16           MR. SHERMAN: Thank you David, can we have the  
17 next slide please? And then the next slide. So, by way of  
18 conclusion Chairman Hill, and board members, here's the fact.  
19 Going to this scheme that David is outlining, regardless of  
20 the configuration, we showed you two, Maret would still be  
21 able to support 82 percent of its upper school athletic  
22 programs. Again, we've heard from Maret, and heard from the  
23 agency that the two field concept is an absolute necessity.

24           By going to one to one multi purpose field of the  
25 sort we're proposing, a regulation sized field, it will

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1 accommodate these nine upper school teams. We've identified  
2 them here, soccer teams, girls, junior varsity, varsity, boys  
3 soccer, varsity, junior varsity, girls lacrosse varsity,  
4 junior varsity, boys lacrosse varsity, boys football varsity,  
5 boys football JV. And we're asking the question isn't that  
6 enough?

7           And we're making the statement from our side that  
8 this is what the neighborhood can live with. Assuming of  
9 course that Maret can surmount the legal hurdles. Now,  
10 finally I just want to add none of this is new to anybody on  
11 this call from Maret, or the ANC. We have repeatedly put  
12 forth proposals to try to enhance this development so as to  
13 make it palatable for the neighbors, to have it be in harmony  
14 with our neighborhood, to retain the character, and integrity  
15 of our neighborhood.

16           And Maret has rejected all of our proposals. So,  
17 we just want to end on the notion that we've come to you in  
18 good faith. We've expressed our concerns, legal, and around  
19 the adverse impacts, but we've also put an alternative on the  
20 table that we're not expecting you to adjudicate, we're not  
21 saying that you choose one of these of course. We're simply  
22 saying to you that there is another way. I want to thank all  
23 of our team that contributed. I want to thank the board for  
24 listening to us. Again, we're very grateful to you for  
25 giving us party status, and for hearing us out. Thank you

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1 very much.

2           BZA CHAIR HILL: Okay Mr. Young, thanks. All  
3 right, well Mr. Sherman, thanks for your presentation. I  
4 don't know if you have any media training, but you seem  
5 pretty good. So, I thought the presentation was done well,  
6 I really thought it was informative, and I thought it was  
7 well organized. I think we're going to try to go through  
8 questions here in a variety of ways. And y'all want to check  
9 if you're muted or not, just to let you know as we kind of  
10 come across.

11           I guess Mr. Sherman, my quick question to you is,  
12 I mean have you been involved in this since the beginning  
13 more, or less?

14           MR. SHERMAN: It depends on what you mean by the  
15 beginning.

16           BZA CHAIR HILL: Where exactly are you located  
17 again?

18           MR. SHERMAN: We're at 5829 Nebraska, just across  
19 from the Episcopal Center. We're basically across, Chairman  
20 Hill, from where the baseball diamond, home plate would be,  
21 we're kind of across the street there.

22           BZA CHAIR HILL: Give me your address again, I'm  
23 sorry.

24           MR. SHERMAN: Yeah, 5829 Nebraska.

25           BZA CHAIR HILL: Got it. So, when I say the

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1 beginning, you've been to the ANC meetings, you kind of --  
2 did you get involved, when did you start, or when did this  
3 team start evolving with the ANC? And the commissioners are  
4 here, because I have some questions for the commissioners as  
5 well.

6 MR. SHERMAN: Yeah, certainly. So, we became  
7 involved in this project -- the first ANC meeting on this  
8 topic, there was a mention of this project in June of last  
9 year, and then there was an ANC meeting in September of last  
10 year. Maret produced its proposal for community comment on  
11 November 1st, and then began a series of community outreach  
12 meetings that they have already spoken to.

13 BZA CHAIR HILL: November 1st of what year?

14 MR. SHERMAN: Last year, 2021.

15 BZA CHAIR HILL: Okay, got it.

16 MR. SHERMAN: So, let me amplify that just a bit.  
17 One of the things that we have said to our ANC is that we as  
18 a neighborhood, we've said it to the ANC, we've said it to  
19 ECC, we've said it to Maret. We, as the concerned neighbors,  
20 would have much preferred to have been involved from the very  
21 beginning when the ANC became aware of the project, when ECC,  
22 and Maret signed the lease, we would have preferred that  
23 there had been, at that time, community outreach.

24 So, that we could have provided our output, not  
25 once the project was done, the proposal was signed, sealed,

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1 and delivered, and submitted to BZA, the first draft of that  
2 -- the first application went again on November 1st, but back  
3 in time. So, if you asked me how long have we been involved?  
4 Practically we've been involved since we first saw the Maret  
5 proposal on November 1st.

6 BZA CHAIR HILL: Okay, so that was my first  
7 question. All right, now I'm going to just turn to my board  
8 members. Do you guys have any questions? You want to keep  
9 kind of chugging along? Do you have any questions right now  
10 for the party in opposition?

11 ZC CHAIR HOOD: Mr. Chairman, if you will indulge,  
12 I have a few quick questions, and one point of information.  
13 First, if you will indulge me, when you see people you want  
14 to remember, it's been over 30 years, I want to know is this  
15 the same Tom Downs, and this has nothing to do with the case,  
16 that was the former president of Amtrak?

17 MR. DOWNS: That's it, that's right.

18 ZC CHAIR HOOD: Okay, I actually left Amtrak  
19 before you, I thought so. I left Amtrak before you, I left  
20 when President Claytor was the president, but I had heard  
21 your name for years, so thank you. And thank you all for  
22 indulging me for digressing that. Let me ask, Mr. Sherman,  
23 the -- no, let me go to Mr. Donohue first. Mr. Donohue, you  
24 sure have cited the OAG memo. Did OAG approach you to  
25 support you, or did you approach them?

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1 MR. DONOHUE: We approached the OAG.

2 ZC CHAIR HOOD: Because of their new way of doing  
3 things. Now, do you think they would have -- if you had  
4 supported this project, would they still have supported you,  
5 or are they just taking opposition cases? I'm just curious,  
6 to your knowledge.

7 MR. DONOHUE: I'm sorry Mr. Hood, that was  
8 garbled, I didn't get it.

9 ZC CHAIR HOOD: It was? Is it still garbled?

10 MR. DONOHUE: No, you're good.

11 ZC CHAIR HOOD: Did they approach you because you  
12 were in opposition -- you approached them because you were  
13 in opposition, do you think they would have still taken your  
14 case if you were a proponent?

15 MR. DONOHUE: Well, I don't know. But I'll say  
16 this, we approached them, because we thought that this was  
17 a twisted interpretation of the zoning regs. We knew that  
18 the Maret application was originally designed to be  
19 accessory. Can't be accessory, so they tried to fit within  
20 this principle use, we couldn't figure out how they could get  
21 there, so we approached the OAG to see if they would agree  
22 with the position. And as you see from the opinion, they do  
23 not.

24 ZC CHAIR HOOD: Okay, I really meant, for me,  
25 regardless of how OAG, and how everything comes out, that's

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1 how I believe this whole process should be working with OAG,  
2 and the community, so I'm fine with that. Mr. Sherman, let  
3 me ask you about your vision. This is what the community's  
4 vision is, but -- and I don't mean this personally, but I  
5 just want to have this discussion with you. Obviously Maret  
6 feels like the 82 percent that you support does not leave  
7 them room to grow.

8 I mean they're trying to grow with the new field.  
9 I understand the impacts that the field may have on the  
10 neighborhood, but do you think the 82 percent support, the  
11 way I read it, is room for Maret to grow, or gives them room  
12 to grow?

13 MR. SHERMAN: Well, in terms of growth, we've  
14 identified nine different athletic programs that would be  
15 supported by a multi purpose field. The one program, one  
16 sport would be baseball, which you can see, in our one multi  
17 purpose field, don't include a baseball diamond. So, that  
18 would not be there. There are other alternatives of course,  
19 Maret still operates the Jelleff facilities in Glover Park,  
20 and there are other options for that.

21 The thing is really this, as I indicated, we want  
22 to be supportive of any school using these facilities.  
23 Keeping in mind, ECC, when they had children resident in  
24 their program, they had children in their swimming pool, they  
25 had children on their fields, we've lived with this without

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1 objection. And we're prepared to live with a school using  
2 athletic fields going into the future. And we just see it  
3 as an opportunity to reach an agreement with the neighbors  
4 that can work for everybody.

5 MR. DONOHUE: Okay, I may come back, and have some  
6 more questions Mr. Sherman, because as you have Maret now,  
7 it's going all over the city, and this is why I'm asking them  
8 to go back, and look at their track record, that they do with  
9 Dwight Mosley Field. Mr. Tummonds, as you know, I have  
10 worked with you, and other applicants on these kind of field  
11 situations, and I'm going to ask through the chair, I'm going  
12 to continue to ask Mr. Tummonds, in those other cases it took  
13 us maybe 20 years hopefully to get it resolved.

14 I hope it doesn't take that long here, because I  
15 see the same things brewing. I'm hoping Mr. Tummonds, you  
16 have great experience in working with cases, and I'm not  
17 going to call the name of the cases, I don't want to jinx it.  
18 But you have a lot of experience in working with the  
19 community in cases. And I would ask Maret, Mr. Sherman, to  
20 continue to work through this process. Because I hear what  
21 the community is saying.

22 We have an OAG letter, we have -- I know the  
23 zoning requirements that we have to look up, but I think one  
24 fo the things that's key, and I really appreciate Mr.  
25 Sherman, your group's presentation. I think it was very

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1 thorough, and very well done. But Ms. Bennett, let's talk  
2 about PFAS. PFAS is a hot item at the United States  
3 Environmental Protection Agency for the past two years or so,  
4 probably even longer. But PFAS is all that's being talked  
5 about right now.

6 Some of the situations that you named about the  
7 kids, and the fields, I'm sure you're familiar, you asked us  
8 to ask you questions, so I'm going to ask. I think it was  
9 you that asked us. But anyway, the fields, we've known some  
10 years ago in the city, when they were changing over fields  
11 that cause cancers to the kids, and that was what was  
12 predicted, or insinuated. I believe that proved not to be  
13 true, am I correct? That question was to Ms. Bennett. I  
14 think it was Ms. Bennett who talked about PFAS.

15 MR. SHERMAN: So, Mr. Hood, Ms. Bennett had to  
16 leave at 3 o'clock for another engagement, but Diana Conway  
17 is still with us, and perhaps she can take that question, if  
18 that's okay with you.

19 ZC CHAIR HOOD: Yeah, that's fine. Ms. Conway?

20 MS. CONWAY: Yes sir, thank you for the question,  
21 I am not a PHD, but I am a retired attorney, and I've spent  
22 ten years working on this issue, you're exactly right about  
23 the PFAS issue. It is all over the map because the science  
24 is incomplete, because the only people who have known about  
25 it were places like 3M, and DuPont. So, most of the

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1 information we have about PFAS is from organizations like Dr.  
2 Bennett's that are taking it upon themselves as a nonprofit  
3 to start testing for this stuff.

4           Most of the information that is coming out is the  
5 result of Dr. Graham Peaslee at the University of Notre  
6 Dame, who is a nuclear physicist who came up with the first  
7 test to detect any PFAS, and you have to run a fluorine test.  
8 So, the science is extremely incomplete, and I would say  
9 simply that any time any kind of science comes through with  
10 some certainty, it's worse. So, for example the fire  
11 fighters are turning up with staggering levels of testicular  
12 cancer because their turn out gear is soaked in it.

13           The dust levels in fire stations are tremendously  
14 laden with PFAS, and there's just not enough science on the  
15 other places. But I will tell you that we have proved, and  
16 we now have the industry admission that they use PFAS in the  
17 manufacture of these products. So, you're talking about most  
18 fields are two acres, this is almost four acres of PFAS laden  
19 plastic stretched out, killing everything below it, and  
20 leeching day after day into the water, soil, and air.

21           Most drainage systems on fields are geared to  
22 field performance, not protection of water quality. So,  
23 there is not enough information to give you a hard number on  
24 how much, or where it's going to go, but we know it's not  
25 good, and it's forever.

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1           ZC CHAIR HOOD: Thank you. And I know a lot of  
2 people are probably trying to figure out the nexus between  
3 that, and the land use which the board is doing. The nexus  
4 for me is we take an oath to protect the residents of the  
5 District of Columbia, and that includes health, and adverse  
6 impacts, and everything, and when I heard that, that's what  
7 came to mind. So, that's all the questions I have for now.  
8 But there's some additional discussion, I have a lot more  
9 questions.

10           But as the chairman has mentioned, we don't want  
11 to be here until two o'clock talking about the same thing.  
12 So, I will forego the rest of my questions, and I think I can  
13 find my answers through the record. So, thank you Mr.  
14 Chairman.

15           BZA CHAIR HILL: No problem Chairman Hood.  
16 Chairman Hood, we're going to be here until late, but we'll  
17 be talking about other things by then. Let's see, anyone  
18 else for the applicant? Okay, Mr. Downs, I'd like to thank  
19 you for your service also as well. I know the boards that  
20 you have served on, and it is a challenge, and so thank you.

21           MR. DOWNS: Thank you.

22           BZA CHAIR HILL: Let's ee. Okay, Mr. Tummonds,  
23 do you have any questions for the presentation?

24           MR. TUMMONDS: No questions.

25           BZA CHAIR HILL: Okay. Let's see, we did the

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1 Office of Planning. We did the -- commissioners, are you  
2 guys -- so Commissioner Speck, and Commissioner Higgins, can  
3 you hear me?

4 MR. SPECK: Yes.

5 BZA CHAIR HILL: Commissioner Speck, are you with  
6 us for the remainder of the time, or do you have to go?

7 MR. SPECK: I'm hoping to be.

8 BZA CHAIR HILL: Okay, great. Okay, because I had  
9 some questions for you, but I'll wait until we get  
10 everybody's testimony. So, Mr. Young, what we're going to  
11 do you guys, is I'm going to ask Mr. Young to let everybody  
12 go -- well, how am I going to do this? It gets kind of  
13 confusing, because I haven't had this many people on the  
14 screen before. Mr. Young, do you know how many people you can  
15 bring in on the screen at one time?

16 MR. YOUNG: I don't think that there is a limit.  
17 I think it will just get pretty crowded. So, if you want to  
18 do like five at a time.

19 BZA CHAIR HILL: Let's do five at a time. Leave  
20 everybody here, just if there's some kind of need for  
21 questions, and you all -- if you've got any questions of  
22 anybody, just let me know by raising your voice I suppose.  
23 I'm not going to go around the table each time to ask --  
24 well, I'll do a bank of five, and then I'll see if you got  
25 any questions, okay? Mr. Young, if you would tell me the

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1 five that you're bringing in.

2           And why don't you bring in support first, as per  
3 the regulations? By the way, the tie is about to come up  
4 pretty soon Chairman Hood. (inaudible)

5           ZC CHAIR HOOD: I'm not going to comment on the  
6 tie.

7           BZA CHAIR HILL: Yeah, well it's done now.

8           MR. YOUNG: So, I brought the first four in, the  
9 fifth one is calling on the phone, so I'll just unmute them  
10 when it's their time.

11           BZA CHAIR HILL: Okay, could you give me the names  
12 please Mr. Young?

13           MR. YOUNG: The first one is Aakash Thakkar.

14           BZA CHAIR HILL: Okay.

15           MR. YOUNG: And then Alison Brooks.

16           BZA CHAIR HILL: Okay.

17           MR. YOUNG: Edward Galiber.

18           BZA CHAIR HILL: Galiber?

19           MR. YOUNG: Yeah.

20           BZA CHAIR HILL: Okay.

21           MR. YOUNG: And Frentress Roach.

22           BZA CHAIR HILL: And who's on the phone?

23           MR. YOUNG: Gregory Poe.

24           BZA CHAIR HILL: All right, let's start, Mr.  
25 Thakkar, or Ms. Thakkar, I can't see, can you hear me?

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1 MR. THAKKAR: Can you hear me?

2 BZA CHAIR HILL: Yes, is it Mr., or Ms. Thakkar?

3 MR. THAKKAR: Yeah, Mr. Aakash Thakkar.

4 BZA CHAIR HILL: Okay.

5 MR. THAKKAR: For some reason I can't get the  
6 video, I don't know if --

7 BZA CHAIR HILL: That's all right, I can hear you  
8 Mr. Thakkar.

9 MR. THAKKAR: Okay, great.

10 BZA CHAIR HILL: So everyone knows, as a member  
11 of the public you'll have three minutes to testify. So, if  
12 you could please introduce yourself for the record, and then  
13 go ahead, and give your testimony.

14 MR. THAKKAR: Happy to do it. So, my name is  
15 Aakash Thakkar, and I'm involved in this case in a couple of  
16 different ways. I live in the ANC over in Chevy Chase, D.C.,  
17 I'm a member of the Maret board of trustees, and my kiddos  
18 do go to Maret, just to share kind of my various  
19 affiliations. As you Chairman Hill, likely know, and  
20 certainly Chairman Hood knows, I've also appeared frequently  
21 before both of you as a partner in a firm called EYA on  
22 matters not related to this.

23 But I do have some perspective that I'd like to  
24 share, given that expertise, or supposed expertise if you  
25 will. A couple thoughts, first, we have been working, and

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1 I will say it this strongly, Chairman Hood is probably the  
2 person who taught me 20 years ago that when you're working  
3 on a project like this, you have to work with the community  
4 from the very start. And I'd like to say that while we  
5 understand that there are still concerns with Friends of the  
6 Field, we have worked, myself, Marjo Talbott, Trey Holloway,  
7 and others, sitting in folks' backyards for months.

8           As Bruce said, starting in September, October,  
9 November, to try to work on any issue we could to get to what  
10 I call a happy place. And I think that the 38 page ANC  
11 resolution clearly shows that we worked very hard with all  
12 the parties that we could work with to get to a resolution.  
13 I think the issue we're having here, and I don't believe it  
14 is one that is surmountable, is our need for two fields. We  
15 need two fields because, as Bruce said, and as we have said,  
16 we need the baseball diamond, and we need the multi purpose  
17 field.

18           The good news is, as Mr. Halloway said, we don't  
19 use both of those fields at once, but we need that type of  
20 field coverage, just like the Jelleff Field, frankly, can be  
21 used down in Georgetown to allow those different sports to  
22 be played. And so, that's the crux of this back, and forth.  
23 But we need the two fields, and I think we've done a lot of  
24 work with regard to buffers, and to vegetation, and such  
25 around the site to make the field palatable for folks who

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1 live close by.

2 I'll also say that fields like this, I live right  
3 around the corner from Chevy Chase Community Center, baseball  
4 field, parks, lights, there are houses right across the  
5 street, and I'm not saying there aren't issues, the lights  
6 are the big issue over in my neighborhood, no lights with  
7 this field, but fields are a part of the urban fabric, and  
8 neighborhood fabric throughout the city, and I think this one  
9 will be that as well.

10 The last thing I will say around this discussion  
11 with OAG, I guess I do have some grave concerns, only in that  
12 -- back to Chairman Hood, what he taught me 20 years ago, if  
13 you want to get involved, work with all parties. And for a  
14 letter to come in at literally the 12th hour, I know that we  
15 weren't reached out to by OAG. I know the ANC, who I thought  
16 was the group that OAG was actually supposed to represent,  
17 I had read what OAG's land use group was going to do, and I  
18 thought they were going to work with ANCs to help them  
19 understand the process, and weigh in.

20 The ANC didn't hear from OAG, and if you look at  
21 the letters, and briefs submitted by Donohue & Stearns, and  
22 then the OAG brief, they look extraordinarily similar. And  
23 I say that to say that clearly there was collaboration there,  
24 but it strikes me that if OAG wanted to sort of get an  
25 understanding of the full picture, that there would have been

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1 outreach to all the parties involved to understand our  
2 positions, our interpretations.

3           In fact, exactly what we are proposing, because  
4 the OAG letter frankly misstates the number of students that  
5 are going to be using the field, the type of leasing activity  
6 that may happen. So, I will just share with you, it really  
7 concerned us seeing that at the 11th hour with facts so  
8 misrepresented, and without time to just sit down, and  
9 understand the positions, and walk through the facts of the  
10 case, so all could understand where folks were coming from.

11           So, I am here to testify in strong support. I  
12 appreciate the ANC, and the Office of Planning, and this  
13 board's time, and I'm here to answer any questions that folks  
14 may have. Thank you.

15           BZA CHAIR HILL: Okay, thanks Mr. Thakkar, and  
16 welcome back, I haven't seen you in awhile, and I'm still not  
17 seeing you now, but I do recall seeing you often before.  
18 Okay, the next one is Ms. Brooks, can you hear me?

19           MS. BROOKS: I'm sorry about that, I was using my  
20 mouse when my mouse wasn't working.

21           BZA CHAIR HILL: Sure.

22           MS. BROOKS: So yes, I am here.

23           BZA CHAIR HILL: Could you introduce yourself for  
24 the record please?

25           MS. BROOKS: Certainly. My name is Alison Brooks,

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1 I am a Maret alumni parent, I also happen to be the chair of  
2 an ANC, and an ANC commissioner that has appeared before you  
3 in the past.

4 BZA CHAIR HILL: Old school, all right.

5 MS. BROOKS: Full disclosure.

6 BZA CHAIR HILL: Commissioner, go ahead, and give  
7 us your testimony please.

8 MS. BROOKS: Sure, so today I'm here in my  
9 capacity as a resident of Washington D.C., and a Maret alumni  
10 parent. I thank you for allowing me the opportunity to speak.  
11 I submitted a letter of support in advance of my testimony.  
12 And while I intended to address that letter today, after  
13 listening to some of the comments, I feel like I want to  
14 address some of the points that were in fact made today, so  
15 forgive me if it's sort of a little disjointed.

16 Mr. Donohue brought up development, and traffic,  
17 and I'd like to point out that many areas of the city have  
18 multiple developments at the same time. This is typical in  
19 Washington D.C., and these inconveniences are normally  
20 temporary. So, District of Columbia is an urban environment,  
21 and every area of the city has seen increased traffic, and  
22 parking problems. We all work together, and no community,  
23 or friend of the community is immune to that.

24 Traffic, and parking are components of city life,  
25 and Maret has submitted a traffic plan, and has always

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1 adhered to the traffic plan that they use in Woodley Park.  
2 Quite honestly, in my opinion, I see this really as an equity  
3 issue, and I want to make sure that everyone sort of keeps  
4 that in the forefront of their mind. Ultimately this small  
5 fringe group is opposing the application because they don't  
6 want change in their quality of life.

7           And they don't have any regard for the quality of  
8 life impacts for the much larger group of residents that  
9 would be impacted once the field is in operation. So,  
10 traffic, and parking in the city is a nightmare, and always  
11 has been, and will continue to be, and we all have to share  
12 in that. The truth is that the only thing that never -- that  
13 nothing ever stays the same, that's the only thing that  
14 doesn't change.

15           The city is a place that's open to all, right?  
16 We've heard those commercials, D.C. is open. So, when we  
17 talk about, or when the fringe group talks about the problems  
18 for residents, they're talking about the same types of issues  
19 that everyone in the city is affected by when development  
20 projects come into their neighborhood. And again, as an ANC  
21 commissioner, I'm uniquely qualified to discuss those impacts  
22 in a community.

23           Given the financial issues that ECC faces, this  
24 field will be used for something, whether you like it, or  
25 not. Whether it's affordable housing, which Councilman Lewis

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1 George suggested what he would have looked for in this space,  
2 sports field, or some other unidentified lease. I don't  
3 think the Friends of would be receptive for any of those uses  
4 that forces them to change their view of their world. And  
5 so, while fields might be needed in wards six, seven, and  
6 eight, that does not mean that city residents don't travel  
7 throughout other areas of the city.

8           It does not mean that residents of wards six, or  
9 seven should be forced to remain on their side of the city,  
10 and only use fields in that side of the city. It doesn't  
11 mean that residents from other areas of the city don't come  
12 to parts of the ward to use public, or private schools.  
13 There are numerous, as I said before, ongoing developments  
14 in my community specifically, and whether, or not people in  
15 other areas of the city were in more need was never a  
16 consideration of this group when I came before you.

17           That was not the metric by which you determined  
18 whether, or not development should take place. And so, for  
19 the record, I want it to be known that I found that  
20 particular comment extremely offensive to me personally, and  
21 to others that were raised, and natives of wards six, seven,  
22 and eight. But I think it's very telling of the sense of  
23 entitlement that the neighbors in this community often  
24 express, and that I've heard them express in prior meetings.

25           And this is probably, quite honestly, the only

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1 occasion where this group would be concerned about children  
2 that are living in ward seven, and eight today. It was  
3 disingenuous, it was hypocritical, and it was insulting.  
4 Considering Mr. Beam's testimony, I'd like to mention that  
5 Wilson High School, which is just up the street, has an  
6 outdoor field which Maret has often used in the past, and it  
7 wasn't disturbing to the quality of life of those residents,  
8 and as the mother of a division one football player, I was  
9 one of those parents that was out there shouting, and  
10 screaming, and ringing cow bells.

11           So, unfortunately I think that there is an over  
12 exaggeration of the noise impact to their quality of life.  
13 More specifically, it's important to reiterate that Maret has  
14 a track record of being a good, and transparent neighbor,  
15 currently located in a D.C. neighborhood, much like the  
16 proposed location, the campus is regularly used by external  
17 groups, the community, et cetera.

18           BZA CHAIR HILL: Commissioner?

19           MS. BROOKS: Yes?

20           BZA CHAIR HILL: See if you can help wrap it up  
21 for me, because I think --

22           MS. BROOKS: Yes, this is my last bit, I promise.

23           BZA CHAIR HILL: Okay.

24           MS. BROOKS: Last little bit. I lost track of  
25 where I was, but that was my last little bit, so I'll just

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1 end there.

2 BZA CHAIR HILL: Okay, thank you Commissioner  
3 Brooks. All right, next person I got here is Mr. Galiber.

4 MR. GALIBER: Yes, good afternoon, can you hear  
5 me okay?

6 BZA CHAIR HILL: Yes.

7 MR. GALIBER: Very good. Good afternoon everyone.  
8 My name is Edward Galiber, I reside at 1742 Holly Street,  
9 Northwest Washington D.C., just across the park. I am an ECC  
10 board member, and I'm an urban school psychologist, and I was  
11 the psychologist for the Episcopal Center for Children for  
12 three years. And also before that was the placement  
13 specialist for D.C. Public Schools for ten years. And  
14 Episcopal Center for Children has been a critical element of  
15 education for the city.

16 For not just D.C., but Maryland, and Virginia as  
17 well for its unique approach to educating special needs kids.  
18 This project facilitates the reopening of the Episcopal  
19 Center for Children, and I know that this board is  
20 particularly dealing with the Maret project, but I am here  
21 to be supportive of the project, because it facilitates the  
22 opening of the Episcopal Center for Children, and I hope  
23 that's brought in as part of the decision. That's all I  
24 have, thank you.

25 BZA CHAIR HILL: Thank you. The next is Ms.

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1 Roach?

2 MS. ROACH: Yes, Frentress Roach, hi, how are you?

3 BZA CHAIR HILL: Good, can you introduce yourself  
4 for the record please?

5 MS. ROACH: Yes, my name is Frentress Roach, I am  
6 a D.C. resident, and I am in support of Episcopal Center for  
7 Children, as I was a part of a child that went attended their  
8 school from 2009 to 2014. And their school is critical to  
9 the community, to the D.C. area in support of just having a  
10 specialized education school system that supports, and gives  
11 a therapeutic environment to help students with disabled  
12 needs.

13 My daughter has actually transitioned out, and she  
14 now attends Wilson, which is still in the community, and she  
15 is doing well. She made honor roll, she made notes in  
16 support of -- she's not being able to be here, she's in  
17 school right now, but she states that she has matured,  
18 handles a lot of frustrations well, and that ECC is a very  
19 diverse school that teaches you a lot of life long skills  
20 that you can use down the line.

21 Her reading, and writing has helped her  
22 substantially, and she has exceeded grade level expectations  
23 in that course. So, I think just -- I understand the traffic  
24 congestion, and other annoying nuisances of having a new  
25 school field being put into the community, and cause

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1 activities that are not normally there -- I think there's a  
2 great opportunity to try to expand, and help the school  
3 develop to maybe maintain those trees that are not able to  
4 be maintained the same as other areas.

5           Or, because of lack of funding, or whatever the  
6 school may have dropped. I'm just -- I'm really in support  
7 of ECC. I mean it was a great environment for me, and my  
8 child. I chose this school, it was the only school local to  
9 D.C. area, instead of having my child drive to Virginia, or  
10 Baltimore, which is a long hour ride, which being  
11 specialized, that's a long time for children. So, I'm really  
12 in support of this therapeutic environment staying put in  
13 this neighborhood. And so that's all I have to say, thank  
14 you.

15           BZA CHAIR HILL: Thank you Ms. Roach, is it Poe  
16 on the line? On the phone?

17           MR. YOUNG: I just brought him in.

18           BZA CHAIR HILL: Hello, can you hear me? Mr. Poe?

19           MR. POE: Mr. Chair, can you hear me?

20           BZA CHAIR HILL: Yes, can you hear me?

21           MR. POE: Yes sir, I apologize (Inaudible.) may  
22 I proceed?

23           BZA CHAIR HILL: Can you introduce yourself for  
24 the record?

25           MR. POE: Yes, thank you. My name is Gregory Poe.

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1 My wife, Sunita Duggal, and I have lived at 2923 Northhampton  
2 Street Northwest at the corner of Utah Avenue for almost 15  
3 years. Our house is one block down on the west side of Utah  
4 from the Episcopal Center for Children intersection. We  
5 strongly support the Maret ECC proposal. It's a wise, and  
6 productive use of the site for the entire community, Maret,  
7 and the ECC.

8           Our February 3rd letter supporting the project is  
9 exhibit 128 on the BZA docket. Along with living close to  
10 the site, we've been Maret parents for 16 years. Our younger  
11 daughter is a second semester senior, and we have nothing to  
12 gain by supporting the project. The significance of our  
13 Maret affiliation is that we've witnessed, for the past 16  
14 years, without exception, the intense commitment that Maret  
15 shows to the communities with which it's involved.

16           Our neighborhood should welcome Maret. I've  
17 attended every ANC meeting since December regarding this  
18 project. Every Maret office hours meeting. The February  
19 26th, DDOT public space committee meeting, and the February  
20 21st, and 23rd so called town hall as convened by project  
21 opponents. I've read every filing on the BZA docket, if  
22 nothing else, I'm well informed, and I live right here, just  
23 as the opponents do.

24           With respect to traffic, and safety issues for  
25 example, the facts support the Maret project, and the

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1 speculation on opposition is quite overblown. Indeed, you've  
2 heard this afternoon from Mr. Patton, a leader of the  
3 opposition group, but at the February 23rd meeting, he stated  
4 that Maret's traffic study is, and I quote, a competent study  
5 done by competent professionals who were hired by Maret to  
6 do what was required to meet what DDOT required, close quote.

7           And today at 12:32 p.m., Mr. Donohue, the lawyer  
8 for the opposition group stated that there is a quote pretty  
9 significant traffic situation now, close quote. And that's  
10 just wrong. I live right here. We understand the anxiety,  
11 and resistance to change that some people in our neighborhood  
12 have expressed. The site however is not park land, as some  
13 opponents have characterized it over the last three months.  
14 It's the ECC's private property.

15           We live in a dense, urban environment. This  
16 affluent northwest neighborhood is part of it. We should  
17 support efforts to increase space for children to develop,  
18 and we should support efforts to serve children with  
19 emotional challenges. I apologize for my video malfunction  
20 today. Let me end my remarks by noting our appreciation for  
21 the hard work that our ANC has done. And I must add that the  
22 attacks by the opposition group on the chair of the ANC,  
23 Randy Speck, which I mention only because they are in the  
24 record in this case, are unwarranted, and unfair.

25           His integrity is beyond reproach. Thank you for

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1 the opportunity to testify today. Sunita, and I respectfully  
2 request that the BZA approve the project.

3 BZA CHAIR HILL: Okay, thank you. All right,  
4 everybody do me a favor, and just mute your line for a  
5 second. Mr. Beam, were you trying to say something earlier?

6 MR. BEAM: Yeah, I was going to respond to the  
7 statement from one of the previous supporters --

8 BZA CHAIR HILL: I understand, can you do so --  
9 can you give me a couple seconds, and go ahead, and respond  
10 if you like?

11 MR. BEAM: Sure, right now?

12 BZA CHAIR HILL: Yeah, go ahead.

13 MR. BEAM: Okay. So, I don't remember exactly  
14 what she said, just that there's not going to be a noise  
15 impact, she's a parent, and she has a cow bell. And you  
16 know, it's well over the noise code. The impact is going to  
17 be well over the noise code. The noise code isn't developed  
18 so that nobody hears anything. It's developed in an urban  
19 environment, understanding that people have to live with each  
20 other. And even if --

21 BZA CHAIR HILL: Okay, Mr. Beam, I'm sorry.  
22 Commissioner Brooks, I thought that -- I couldn't remember  
23 why you brought up Mr. Beam's name, I thought you had brought  
24 up Mr. Beam's name because there was a little bit of  
25 controversy to the comment.

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1 MS. BROOKS: No.

2 BZA CHAIR HILL: That's why I was giving Mr. Beam  
3 an opportunity to comment back. So, Mr. Beam, we'll come  
4 back to you, it was concerning the testimony for the sound  
5 mitigation, and I appreciate the commissioner for allowing  
6 me to just clean this up in my mind, because I wanted to make  
7 sure there was -- as everybody knows that does this in the  
8 public, things run hot sometimes. So, I'm just trying to  
9 make sure everybody is as respectful as possible, that's all.

10 MS. BROOKS: Absolutely.

11 BZA CHAIR HILL: So, thank you both for allowing  
12 me that opportunity to clean that up. So, Mr. Beam, we'll  
13 come back to you a little later, and Commissioner Brooks,  
14 thank you. Does my fellow board members have any questions  
15 for any of the witnesses? And if so, please raise your hand.  
16 Chairman Hood?

17 ZC CHAIR HOOD: I'm sorry I keep having questions,  
18 but I have to make sure I understand what's going forward.  
19 I have a question for Commissioner Brooks, and I appreciate  
20 Ms. Roach for her comments about her daughter, and glad she's  
21 doing well, and continues to do well. Commissioner Brooks,  
22 you mentioned equity, and I know that's one of the things  
23 that through the council, and the city, and the mayor, we  
24 have to deal with racial equity.

25 Could you expound on that a little bit? You

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1 mentioned the equity issue, and I want to make sure I can  
2 grasp, and have my arms around where you were coming from  
3 mentioning equity.

4 MS. BROOKS: Sure, it's multi faceted. So,  
5 there's the equity issue in that this affluent neighborhood  
6 doesn't want what it doesn't want, and they just want you to  
7 shut it down, it's not what they want. It's an equity issue  
8 because the ability for students to pursue sports, and have  
9 the same playing field, figuratively, as other schools, other  
10 comparable schools. So, int his conference that would be  
11 schools like Sidwell, Flynn Hill, et cetera.

12 To be able to have the ability to work out  
13 regularly, to compete on a quality field, to not have to roam  
14 the city looking for fields, to be able to have consistent  
15 practices, equates in some cases into real dollars. And life  
16 changing dollars. So, as I mentioned, my son is a Maret  
17 graduate who attended a division one college for free. He  
18 left college with a four year degree, and is able to not  
19 start his adult life not in 250000 dollars of debt, which is  
20 what Wofford College costs.

21 He then was able to come back to Washington, D.C.,  
22 his home, and work for the district government, and help to  
23 teach, and represent himself to other students in the city.  
24 And to give an example to young people every day. That's the  
25 real difference in a man's life.

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1           ZC CHAIR HOOD: I got you, and you made your  
2 point, I put that right on my list with personal accessory  
3 use, so thank you Commissioner Brooks, I appreciate that.  
4 Thank you Mr. Chairman.

5           BZA CHAIR HILL: Okay, give me a second Mr.  
6 Patton, because I'm not sure exactly what I'm going to do  
7 here with you guys. What's supposed to happen, well anyway,  
8 give me a second. Does anybody --

9           MR. PATTON: I'm just trying to answer Mr. Poe,  
10 who invoked my name.

11          BZA CHAIR HILL: Got you, okay. Does anybody have  
12 anymore -- well let me do this first. Okay, so I'm going to  
13 try to make sure nobody mentions anybody's name anymore if  
14 they can help themselves, okay? So, go ahead Mr. Patton, and  
15 please respond.

16          MR. PATTON: I'll make it brief. So, our group,  
17 Friends of the Field, put on two town halls outside of the  
18 ANC setting to help share things that we knew, and had some  
19 experience with at the end of February, February 21st,  
20 February 23rd, Mr. Poe attended both of them I believe. He  
21 asked me to share the video of the February 23rd meeting, at  
22 which Mr. Downs, and I presented some of our thoughts about  
23 transportation.

24           And I said at that meeting, yes. That the Wells  
25 & Associates study ticks all of the boxes that were required

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1 of them by DDOT. That does not make me say that the DDOT  
2 study was not fundamentally flawed, that it was badly scoped,  
3 and that there were huge elisions in it. I stand by that  
4 comment, thank you very much.

5 BZA CHAIR HILL: Okay, great. Let me see here,  
6 so nobody's got anymore questions, all right. Let's see, if  
7 -- now Mr. Young, I don't know how you do this, but I guess  
8 if you can kind of keep all the witnesses, can you excuse  
9 everybody, and bring them back Mr. Young, or once they're  
10 excused, are they excused?

11 MR. YOUNG: No, I can bring them back.

12 BZA CHAIR HILL: Okay, if y'all want to stick  
13 around, you can, because you're apparently interested enough  
14 that you stuck around this long, but I'm going to excuse you  
15 guys for now, okay? If you can excuse the witnesses, and  
16 bring in, how many more you got on this side now? You've got  
17 another five for me Mr. Young?

18 MR. YOUNG: Yeah.

19 BZA CHAIR HILL: Okay. And if you can name their  
20 names please, as they come in.

21 MR. YOUNG: Cheryl O'Neill, Dipa Mehta, Ian  
22 Cameron, Jay Ingram, and Jennifer Backus.

23 BZA CHAIR HILL: Okay, great. Mr., or Ms.  
24 O'Neill, can you hear me?

25 MS. O'NEILL: Yes, I can.

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1           BZA CHAIR HILL: Okay, great, could you introduce  
2 yourself for the record please?

3           MS. O'NEILL: Yes, I am Cheryl O'Neill, resident  
4 of 3619 Everett Street Northwest. I am the parent of a child  
5 that attended ECC for about four years, and is a severely  
6 disabled child. And I would just like to propose that I am  
7 a proponent of this proposal, just because there is a paucity  
8 of resources for children like my daughter, who suffers from  
9 a severe mental illness, and ECC was an extraordinary  
10 experience in her life.

11           After ECC, after she graduated from ECC, and she  
12 aged out at the end of her elementary school career, she was  
13 forced on a bus to Virginia, and to Maryland, and to many  
14 schools that were not part of her community, and that  
15 disruption in her education, and being forced out of the  
16 District of Columbia was devastating for her, and on top of  
17 many other illnesses. And so I'm a little bit surprised that  
18 so much of this hearing has been about traffic, and parking,  
19 and the Maret school.

20           Because in my mind, this is about preserving an  
21 enormous gem in the District of Columbia, that welcomes in,  
22 and educates, and improves a very, very disadvantaged  
23 population of young children with severe emotional, and  
24 behavioral disabilities. And I just can't say enough about  
25 how it's improved her. And a part of it has not only to do

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1 with the extraordinary staff that they had, which we hope  
2 will come back some day, but also the extraordinary quality  
3 of the place, which no one has talked about.

4 Yes, it's a beautiful campus, the open space that  
5 is part of that campus will be preserved in this proposal,  
6 and it will also help in the funds that it will provide for  
7 ECC to reopen their doors again, which will be an  
8 extraordinary thing for the children of the District of  
9 Columbia, who will no longer need to ride on buses for hours,  
10 and hours to Virginia, or Maryland to attain education. So,  
11 I strongly support this application, and implore you to do  
12 so. Thank you.

13 BZA CHAIR HILL: Thank you Ms. O'Neill, thanks for  
14 your testimony. Ms. Mehta, is it Mehta? Was there Mehta  
15 somewhere?

16 MS. MEHTA: It is, yes, hi.

17 BZA CHAIR HILL: Hi, could you introduce yourself  
18 for the record? Yes, please.

19 MS. MEHTA: Yes, sure. My name is Dipa Mehta, and  
20 I am commissioner for ANC 3F03.

21 BZA CHAIR HILL: Okay, Commissioner Mehta, you'll  
22 have three minutes, and the clock is there, and you can begin  
23 whenever you like.

24 MS. MEHTA: Great, thank you, thanks. Thank you,  
25 and thank you members of the Board of Zoning Adjustment for

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1 the opportunity to speak today. I am here today to share my  
2 perspective as a ward three ANC commissioner, because I  
3 believe that there are several compelling reasons why the BZA  
4 should grant this special exception. Underscoring what the  
5 prior witness said, it's my understanding that ECC's mission  
6 is aimed at the needs of children with significant emotional,  
7 and social challenges, clearly an under served group in the  
8 district.

9           As a policy matter, I believe the district should  
10 support measures that fortify the fiscal health of an  
11 institution that serves a vulnerable population. As a  
12 commissioner, and that's what I'm testifying as today, I  
13 believe it sets truly a dangerous precedent to yield to the  
14 collective will of nearby property owners regarding under  
15 utilized private property. Many district residents,  
16 including me actually, would love to live near a large  
17 undeveloped green space for which they do not pay taxes, and  
18 which they do not otherwise support, or maintain.

19           But that simply cannot be the standard of review  
20 for the BZA. The fact is that this project is the subject  
21 of an agreement between private parties on privately owned  
22 land. When I did a google search of athletic fields in ward  
23 three, I couldn't find a single field that was not located  
24 either directly adjacent to, or across from private homes.  
25 Unless the BZA decides that children don't belong in

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1 neighborhoods, which is clearly not the district's policy,  
2 the BZA should grant the special exception relief sought by  
3 Maret in order to proceed with the field development project.

4           Fourth, -- third, excuse me, I note that as a  
5 practical matter, the agreement between the ECC, and Maret,  
6 would keep large amounts of the property green, and  
7 undeveloped. The residents who oppose the field project seem  
8 to be banking on their short sighted conviction that blocking  
9 this project will prevent all future development of ECC's  
10 property, which I think is a highly unlikely outcome given  
11 ECC's need for revenue, and the district's goals for density.

12           Finally, I want to note that as a commissioner,  
13 I often hear from folks who are opposed to a neighbor's  
14 renovation plans, a landscape project, or a new building  
15 construction. In some instances the concerns raised are  
16 valid, because they involve legitimate issues that are  
17 addressed by statute, or projects that contravene public  
18 policy. In other cases, the concerns of activist neighbor  
19 groups are not grounded in law, or sound public policy, but  
20 are instead fueled by a desire to preserve the status quo  
21 that they have come to enjoy over many years.

22           Or to avoid inconveniences that they believe they  
23 should not have to bear. In my experience, common defining  
24 characteristics of this latter group includes moving from one  
25 line of argument to another, and when all of those arguments

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1 fail, to levy personal attacks on those charged with  
2 evaluating the proposed project while balancing the interests  
3 of different constituencies. The Friends of the Field group  
4 has played out all of these tactics at the ANC review level.

5           And when faced with a balanced, and well reasoned  
6 result coming out of an exhaustive ANC review, the group is  
7 now abusing the process by asking the BZA to reject the ANC's  
8 judgment to achieve an outcome that diverges from sound  
9 public policy, and would block a project that would surely  
10 benefit many stakeholders in our city, most importantly, the  
11 children at ECC, and the student athletes who would benefit  
12 from use of athletic fields.

13           It's my hope that in reaching a decision in this  
14 matter, the BZA will take into account the thorough, and  
15 extensive review process undertaken at the ANC level, and  
16 avoid yielding to 11th hour contortions of zoning regulations  
17 in order to achieve an outcome that serves the narrow  
18 interests of a small group. Thank you all for your time, and  
19 consideration today.

20           BZA CHAIR HILL:     Okay, thank you for your  
21 testimony commissioner. Is it Cameron, is that available?

22           MR. CAMERON:     That's right, yes, Ian Cameron.

23           BZA CHAIR HILL:     Great, could you introduce  
24 yourself for the record please?

25           MR. CAMERON:     Yeah, my name is Ian Cameron, I'm

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1 president of the Maret board of trustees, and have two  
2 children who went to Maret, and they've now since graduated.  
3 I just wanted to add a couple things, because a lot of points  
4 have been made here, so I won't say what others have said.  
5 Clearly, all the city agencies have concluded that this  
6 project will not have an adverse, or objectional impact on  
7 the area, and that's important to remember.

8 I just wanted, there's been a lot of  
9 misrepresentation from Friends of the Field, I'll just draw  
10 a couple of examples. It was stated by one witness that  
11 whistles would be used throughout the day on the field,  
12 complete misrepresentation if you look at the proposed  
13 schedule for field use that was included in our presentation.  
14 The lawyer for Friends of the Field characterized activities  
15 on the field by outside groups as being jamborees, and soccer  
16 tournaments.

17 Again, complete mischaracterization. In fact,  
18 with our agreement with the ANC, we will not be holding,  
19 neither Maret, nor other users will be holding any kind of  
20 events like that, it's completely contained to individual  
21 sporting events. At one point, one of the witnesses for the  
22 Friends of the Field said that a bat hitting a ball would be  
23 an objectionable impact, would it exceed sound barriers. And  
24 as a resident of the city, I was appalled that we are saying  
25 basically someone playing baseball is exceeding the noise

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1 laws of this city.

2           That's incredible.    Meanwhile, I'm sure many  
3 neighbors, not only in this area, but all across the city use  
4 new electric leaf blowers regularly. I think we just have  
5 to have a little bit of proportion when we're talking about  
6 this project. We've worked with the ANC, we've worked with  
7 the neighbors, we have a long list of conditions which we've  
8 agreed to by the ANC to be in aligned with the neighborhood.  
9 We've shown incredible open approach to our neighbors.

10           Having a number of meetings with our neighbors,  
11 ANC meetings, information sessions, and we are good  
12 neighbors, and I think we have to approach this project in  
13 line with what Commissioner Mehta just stated, that this is  
14 in line with so many regulations in the city. And finally,  
15 I just want to add one thing, Friends of the Field cited the  
16 Ready2Play strategic plan for DPR. And it's true that  
17 Ready2Play is a guiding document for DPR.

18           In the Ready2Play survey of ward four residents,  
19 ward four residents overwhelmingly expressed a desire for  
20 more recreational fields, including multi use fields such as  
21 this. Moreover more than 30 percent of those ward four  
22 residents who participated in the survey said they used  
23 school facilities for their recreation. And finally when  
24 asked to identify additional recreation sports in ward four,  
25 the ECC property was identified multiple times by

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1 respondents, more than any other location in the ward, and  
2 certainly west of the park.

3           And this goes to the bottom line, residents in  
4 ward four, in fact across the city, realize that more fields,  
5 whether they're owned by schools, or operated by DPR are  
6 needed, especially west of Rock Creek Park. Thank you very  
7 much.

8           BZA CHAIR HILL: Thank you Mr. Cameron. All  
9 right, next witness, is it Ingram?

10           MR. INGRAM: Yes, hi, how are you? So, I'm Jay  
11 Ingram, I live in the 3100 block of Quesada Street, so I  
12 would consider myself a close proximity neighbor to the ECC,  
13 and for the record I have two children that are currently  
14 enrolled at Maret. But I approach the development of the ECC  
15 property with a long relationship to this subsection of Chevy  
16 Chase, having lived here for almost 17 years, and during more  
17 recent times, I, and hundreds of others, maybe thousands of  
18 other residents have regularly speculated about what would  
19 become of the ECC if, and when it was no longer to continue  
20 its operations.

21           And now that day has arrived for the BZA to  
22 address the future of this land, and without question, the  
23 ECC Maret partnership is a terrific solution for all of the  
24 stakeholders involved. The official record in this matter  
25 is extensive, and my remarks can in no way supplement the

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1 details, or documentation associated with this proposal. But  
2 what I can testify to is my certainty that Maret will be a  
3 first class partner to this region of the district.

4           Maret's level of commitment, and attention to the  
5 concerns of the community, particularly the considerable  
6 effort that was made to engage, and accommodate the interests  
7 of the residents whose properties are immediately adjacent  
8 to the grounds is representative of the level of community  
9 oriented collaboration that is a cornerstone of Maret's  
10 operations, and should provide maximum encouragement to all  
11 stakeholders that Maret is, and will be an exceptional  
12 partner for many, many years.

13           When it's all said, and done, the proposal relates  
14 to the development of a playing field. Let me restate that,  
15 a playing field. A space where kids, kids from Maret, kids  
16 from the ECC, kids from this neighborhood, and kids from  
17 other neighborhoods can play the sports they love, and have  
18 fun in a world that can seem upside down at times. And while  
19 this represents a threat to some in the immediate proximity,  
20 who have gone to extraordinary lengths to obstruct, and  
21 delay, I just don't see how that can ever be viewed as a  
22 detrimental objective, and result. Thank you.

23           BZA CHAIR HILL: Thank you Mr. Ingram, thank you  
24 for your testimony. Is it Ms. Backus?

25           MS. BACKUS: Yes, it's Jenny Backus, nice to meet

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1 you.

2 BZA CHAIR HILL: Nice to meet you as well, could  
3 you please introduce yourself for the record?

4 MS. BACKUS: Absolutely. My name is Jenny Backus,  
5 and I live with my husband Ed Pagano at 5841 Nebraska Avenue,  
6 which is directly across from where the new field will be.  
7 And I am here today to speak in favor of this proposal. I  
8 just want to hit a couple of things first. We do have a son  
9 who is a sophomore at Maret, who probably won't end up  
10 getting to use this field, because he doesn't play the sports  
11 that are listed.

12 But we would have been strong proponents of this  
13 proposal, regardless of whether, or not our son went there.  
14 He just started in ninth grade, he went to Lafayette, and  
15 Deal. He was an active kid who played a lot of sports, we  
16 grew up looking at that field across the way, we love ECC.  
17 I think that's the major reason why my husband, and I are  
18 mostly in favor of this proposal. Is because raising our  
19 child, and growing up in ECC, meeting those kids, meeting the  
20 teachers, we had a lot of use on the street.

21 The teachers would park, the kids would swim in  
22 the swimming pools, it was wonderful to see that community  
23 going. I volunteered a lot at Lafayette, and Deal to support  
24 the kids at ECC, and one of our biggest challenges in the  
25 neighborhood is ECC didn't have the resources to open up that

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1 field tot eh community. There were signs posted, no  
2 trespassing. Some people tried to sneak on, but looking at  
3 that green space, and not being able to let the kids in the  
4 community use it has been really frustrating.

5 So, I think one point that hasn't been stressed  
6 here is that having this proposal is going to open up, and  
7 they're inside the ANC conditions, which I do want to thank  
8 all of our ANC commissioners for all of the time that they've  
9 put into this, and countless hours, we hosted one of those  
10 community meetings in our home, but the conditions in there,  
11 that I would encourage you to look at are increased used for  
12 the community to use that space.

13 We can finally actually get on that field, and  
14 play pickup football on Thanksgiving, or have my son, or any  
15 other kid in the neighborhood go throw a frisbee. Having  
16 that gives the community more access to that space versus  
17 less. The second thing I want to quickly say is that there  
18 are a lot of people in the neighborhood that do support this  
19 proposal, and I understand. I live directly across, we were  
20 very worried when we first heard about this.

21 And I think that there's really been an attempt  
22 for dialogue, but I think sometimes when people get upset,  
23 some facts get exaggerated. And I am concerned that there's  
24 been communicated to some of our neighbors, who initially may  
25 have been inclined to ask a lot of good questions like the

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1 Friends of the Field have, that have not been given accurate  
2 information in response. There's been lots of talk about  
3 crazy traffic, and all this stuff that people are using, but  
4 I really would encourage you to go back, and look at the  
5 stipulations that were laid out with the ANC about just how  
6 much people can use this space.

7           And we have seen the ECC vibrant, the busing, the  
8 encouraging of other people to use it. The second to last  
9 thing I would really quickly like to say is that there are  
10 a lot of parents all over this city whose kids play youth  
11 sports, who have to drive hours, and hours to go there.  
12 There's a lot of people in this neighborhood, having this  
13 field here, people can walk to this field. I'm disappointed  
14 that there's not more use for community youth sports, but I  
15 understand we all have to make compromises.

16           I thank you so much for your attention to this,  
17 I know it's a really difficult thing. But there are a lot  
18 of people in our neighborhood, even some of those people that  
19 were blue dotted on those maps that support this proposal,  
20 and I really thank you for your time.

21           BZA CHAIR HILL: Thank you. Thank you for your  
22 testimony. I'm looking at my board members first, do my  
23 board members have any questions for the witnesses? Okay,  
24 I meant also by the way, whether there was any questions from  
25 the parties also, and so are there any questions from the

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1 parties? Okay, then I'm going to go ahead, and excuse this  
2 group, and thank you all for your testimony. Mr. Young, how  
3 many more do we have on the support side?

4 MR. YOUNG: I have eight more.

5 BZA CHAIR HILL: Eight more on the support side?

6 MR. YOUNG: Yeah.

7 BZA CHAIR HILL: How many do we have on the  
8 opposition side? I think I have that list, that's all right.  
9 Go ahead, and see if you can fit in -- can you fit in eight  
10 more here?

11 MR. YOUNG: I believe so.

12 BZA CHAIR HILL: Okay, let's go ahead, and try  
13 that. And before you do pull that up, Mr. Donohue, and Mr.  
14 Tummonds, can you hear me?

15 MR. TUMMONDS: Yes.

16 MR. DONOHUE: Yes.

17 BZA CHAIR HILL: Okay, so again, what I'm doing  
18 here is -- as you can see, there's a lot of testimony, so I'm  
19 just quickly asking if anybody has any questions. So, if you  
20 do, just speak up after I go through the bunch. But we're  
21 trying to get -- there'll be a chance, I guess, in rebuttal,  
22 and then also questions from rebuttal Mr. Donohue, that you  
23 might have an opportunity to respond if you choose to. So,  
24 I'm just letting everybody know that so that we can be as  
25 efficient as possible.

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1 Mr. Young, if you can go ahead and bring in the  
2 next -- if you can get in eight here, that'd be great, and  
3 just give me their names as they come in.

4 MR. YOUNG: I have Joel Velasco, Lisa Brown,  
5 Lionel Brown, Mary Beth O'Quinn, Michael Sriquei, Mike Di  
6 Marco, Stephanie Nash, and William Simons.

7 BZA CHAIR HILL: Okay, this is the biggest group  
8 we've had on the Zoom thing during the pandemic. I'm going  
9 to bring in more now just to see what happens. So, we're  
10 going to go one at a time, and if you all want to turn on  
11 your cameras, fine, if you don't, that's fine. I'm going to  
12 go one at a time through this. What I'd like to say, if you  
13 all can hear me, is that please don't say anything  
14 controversial about somebody else.

15 Don't call out a name, don't call anybody  
16 anything, because then I'm going to get back, and forth, and  
17 we're not in person, so it's very difficult to do this  
18 through this Zoom environment. So, try your best to keep it  
19 to the testimony that you would like the board to hear.  
20 Because the board's the ones that are trying to decide this.  
21 Okay, Mr., or Ms. Velasco, can you hear me?

22 MR. VELASCO: Yes, I can.

23 BZA CHAIR HILL: Okay, can you introduce yourself  
24 for the record please?

25 MR. VELASCO: Sure. Mr. Chairman, my name is Joel

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1 Velasco, my wife, and I have called Chevy Chase, D.C.,  
2 Barnaby Woods home for nearly 15 years. We live just a few  
3 blocks away from the field. Our two boys are students at  
4 Maret after attending Lafayette Elementary, and one at least  
5 will have graduated by the time this project is concluded,  
6 if it is on time. In other words, our car spends countless  
7 miles shuttling kids around the DMV given the shortage of  
8 field space in our neighborhood.

9           Regardless of your views about this project, I ask  
10 you to think about what this neighborhood will, could, should  
11 look like in 10, 15, 20 years. Yes, many of us will not be  
12 living here, but someone will. This city is growing, albeit  
13 more slowly in the last couple of years. The Metropolitan  
14 Council of Government projects D.C. population will add  
15 another 100000 by the end of this decade, and perhaps reach  
16 1 million by the middle of the century.

17           What that means is that we must find better ways  
18 to utilize the open spaces in our increasingly urban area.  
19 Wish as you may, but none of us are going to stop that trend.  
20 The ECC property will not remain as it is. You may wish to  
21 think of it as pristine, but a closer look reveals another  
22 story. The trees are old, the fences are rusty, the trees  
23 are covered in ivy, and rotting, and generally on their last  
24 leg.

25           If you really care about the environment, like my

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1 neighbors claim, then it's time to pony up some money to the  
2 ECC to preserve what's left behind while we litigate this  
3 away. I believe in fact Maret is doing just that. They're  
4 providing the resources so that ECC can continue --  
5 correction, restart its mission while ensuring this open  
6 space is available for more people. If you want things to  
7 stay as they are, no trespassing signs on rusty chain link  
8 fences, and decaying streets, sure, oppose this project.

9           ECC's mission won't be fulfilled, sorry kids with  
10 special needs, better get on that train to Baltimore.  
11 Parents will continue to travel to every corner of Montgomery  
12 County for sports, and above all, get ready because change  
13 is coming. Another applicant will soon be here asking for  
14 another variance. Perhaps for a high rise, mixed use  
15 property, or even worse, the property will just be abandoned.  
16 It has been said here, change is not always easy.

17           But the Maret ECC partnership is the best  
18 opportunity that has come to our neighborhood, and will be  
19 a welcome relief to families of not just soccer dads like me,  
20 but also parents of special needs kids in our city, thank  
21 you.

22           BZA CHAIR HILL: Thank you, thank you for your  
23 testimony, and thank you for keeping it under three minutes.  
24 All right, Mr. Brown, can Mr. Brown hear me, or Ms. Brown?

25           MR. BROWN: I'm Lionel Brown.

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1           BZA CHAIR HILL: Got you. Mr. Brown, if you could  
2 introduce yourself for the record, you'll have three minutes,  
3 and you can begin when you like.

4           MR. BROWN: Thank you Mr. Chairman. My name is  
5 Lionel Brown, I live on the 5300 block of 29th Street, where  
6 I also volunteer as neighborhood block captain, whole-block  
7 captain for my neighborhood. My wife Ruth, and I, full  
8 disclosure, are Maret parents. We have a senior, and a  
9 sophomore, who like other people said, will not directly  
10 benefit from this project when it's completed. As we noted  
11 in our letters to the BZA, and the ANC, we strongly support  
12 Maret's proposal.

13           Given it is the best option, and supports the  
14 greatest need both for a vibrantly growing neighborhood, and  
15 city. It thoughtfully, and empathetically balances the  
16 school needs for playing fields, provides neighbors in the  
17 community, and city wide access to additional quality fields,  
18 while more than adequately, I'm sure most of us would agree  
19 that given all the stipulations in the MOU that you talked  
20 about earlier, correct? Which, in my personal view is a bit  
21 onerous, but the school has already stipulated to that.

22           And then more importantly, we have to take the  
23 need of the ECC into consideration. This is a place that  
24 supported special need kids, these kids have a need. I mean  
25 we have a few people talking for them, but not a lot of

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1 people in our community are here to represent their views.  
2 I mean, we should agree that the ECC needs to recommence its  
3 operations. I can say as a Maret parent, long time Maret  
4 parent, and I would like to think of myself as dispassionate,  
5 even though I'm corrected to Maret, since my kids go there,  
6 but I know the school.

7 I know the neighborhood, I've advocated for some  
8 of these issues the neighbors are advocating for here with  
9 the ANC. And I know the ANC has done a very good job in  
10 terms of balancing all the needs, and I think they're  
11 considerate of the proposals, of the stuff they sent to the  
12 BZA should be taken very, very seriously. And for these  
13 reasons, I'm asking Mr. Chairman, and the rest of the BZA to  
14 respectfully support the approval of the project.

15 And we should get the project underway, because  
16 it's in the best interest of our neighborhood. So, thanks  
17 for your time, and thanks for the opportunity.

18 BZA CHAIR HILL: Thank you Mr. Brown, thank you  
19 for your testimony. Ms. O'Quinn?

20 MS. O'QUINN: Yes.

21 BZA CHAIR HILL: Could you introduce yourself for  
22 the record please?

23 MS. O'QUINN: Yes, can you hear me?

24 BZA CHAIR HILL: Yes. Okay, my name is Mary Beth  
25 O'Quinn, and I'm going to speak in support of ECC. I am a

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1 parent of a former ECC student, who graduated in 2018. I  
2 want to bring attention to the historic role that ECC is  
3 playing in the history of the welfare of children in the  
4 District of Columbia. They are truly a unique institution.  
5 They have national prominence in their model of treating, and  
6 educating children with trauma. Many children in D.C., in  
7 the past have trauma.

8           And this is going to be even more frequent in the  
9 future as we come out of the pandemic, where children have  
10 suffered so much loss of primary, and secondary care givers.  
11 My son was adopted from foster care with severe trauma, he  
12 was fully diagnosed with PTSD at the age of four. He came  
13 to ECC, and benefitted tremendously from its attachment based  
14 program. It is based on trust with people, and a child  
15 learning to relate to adults, and relate to their peers.

16           So that they react with kindness, and respect.  
17 And once a child is stabilized emotionally at ECC, then they  
18 can begin to heal. This model has been developed at ECC to  
19 a high level of function, and my son benefitted from this  
20 tremendously. He made a friend, a very good friend, and  
21 those two boys helped each other heal from the loss of their  
22 biological mothers, and they're continuing to grow, and  
23 trust, and help each other grow up.

24           My son is now graduating from high school. He has  
25 been accepted to college, he is a National Honor Society

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1 student, and he is going to study social work, because he  
2 wants to work at a place like ECC, where he can help children  
3 with his own level of trauma to heal, and operate as  
4 productive adults in society, and form nurturing, loving  
5 relationships in their own families, and communities. That's  
6 what we all ought to do, not just for children.

7           And ECC is the one that gives us parents the tools  
8 to do so, and the support parents need to heal children like  
9 this. I am so grateful that my son had this opportunity to  
10 benefit, and heal in this very unique place. Thank you.

11           BZA CHAIR HILL: Thank you Ms. O'Quinn, and thank  
12 you very much for your testimony. Let's see, is it Shakira  
13 -- I'm looking, Sriqui? I'm totally saying that wrong, I'm  
14 sure. Michael, Michael can you hear me? I can't hear you,  
15 but now I can at least see your mouth move.

16           MR. SRIQUI: That's better, can you hear me now?

17           BZA CHAIR HILL: Yeah.

18           MR. SRIQUI: Okay, you were pretty close Mr.  
19 Chairman, thanks very much. My name is Michael Sriqui, I'm  
20 5232 Sherier Place Northwest, I'm testifying today as a  
21 commissioner for ANC 3D04, and as a board member of D.C.  
22 Soccer Club, formerly known as D.C. Stodderd Soccer. Just  
23 before I start, I want to say for the record that I'm  
24 testifying in my individual capacity as a commissioner, ANC  
25 3D did not take this issue up, and has no position on it.

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1 I'll try to go through my testimony, and skip,  
2 because a lot of it has already been provided, and I'll offer  
3 it for the record. But simply as a commissioner, it's hard  
4 for me to put my finger on a proposal like this, a  
5 redevelopment proposal that is -- whose win, win benefits are  
6 as extensive as these. I think that should also be the case  
7 for those who are skeptical of development, simply for the  
8 reason that this is one of the least intensive uses for that  
9 land that could probably come up. So, in that case it's a  
10 win for those folks too.

11 One thing I'd like to reflect on is that this  
12 case, I believe provides the BZA with an opportunity to give  
13 institutions space to reevaluate generally accepted notions  
14 of how field use factors into their missions as what they  
15 like to call themselves as good neighbors. Maret happens to  
16 be a valued, and indeed proactive partner in the community.  
17 And speaking from the viewpoint of D.C. Soccer Club, it  
18 really has been.

19 It's been proactive actually, it's made its main  
20 campus fields available for youth athletics beyond its  
21 student body for a long time, and we have every confidence  
22 that this project will allow it to expand on that commitment.  
23 And it's one of the reasons D.C. Soccer Club is so excited  
24 to endorse it. But Maret is a fairly exceptional case in  
25 this regard. Similar institutions often close such

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1 facilities off from community use through conditions in  
2 campus plans, relief applications, and other interactions  
3 with the zoning process.

4 I think approval of Maret's special exception  
5 request will signal that other -- sorry, potential  
6 interpretations of what it means to be a quote good neighbor  
7 are indeed possible in this respect. I think Maret has  
8 devoted ample resources to tweaking its plan to meet somewhat  
9 narrow requests relative to the intended use of the  
10 facilities that it proposes here. It has visited, and  
11 revisited ways in which to discourage public parking on  
12 public road, and already hemmed in the site's potential, that  
13 even perhaps rare use of temporary lighting might enhance.

14 So, Mr. Chairman, if Maret seeks greater latitude  
15 to expand public access in the name of youth sports, or any  
16 other worthy community use, it deserves to have the board's  
17 support. And again, I would ask that my full written  
18 comments be allowed on the record. I also have a statement  
19 from the D.C. Soccer Club staff that did not get in under the  
20 24 hour wire, and I'd like to submit that too. Thanks for  
21 your time.

22 BZA CHAIR HILL: Okay. I guess Mr. Sriqui, how  
23 do you say it?

24 MR. SRIQUI: Sriqui.

25 BZA CHAIR HILL: Sriqui, Sriqui.

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1 MR. SRIQUI: Sriqui, yeah.

2 BZA CHAIR HILL: Sriqui, if you could go ahead,  
3 and submit your testimony into the record, if you're saying  
4 you have not had it -- you did not, is that what you're  
5 saying?

6 MR. SRIQUI: That's correct. So, I have my own  
7 testimony which I'd like to submit. Also the club did not  
8 get its letter in under the 24 hour wire, and there was a  
9 letter prepared by staff. I'm a member of the board.

10 BZA CHAIR HILL: I understand. So, if everyone  
11 would like to go ahead, and submit their testimony into the  
12 record, if they have not done so, we'll go ahead, and keep  
13 the record open for that. And then the D.C. Soccer Club will  
14 go ahead, and keep the record open for their testimony as  
15 well. Mr. Moy, if you could just go ahead, and keep a list  
16 of all the witnesses, if in fact we're missing their written  
17 testimony, so that's number one, okay.

18 Let's see, thank you for your testimony Mr.  
19 Sriqui, I'm totally not getting it, but close, as best I can.  
20 And then Di Marco, is it Di Marco?

21 MR. DI MARCO: Yeah, I'm here.

22 MR. SRIQUI: Thanks Mr. Chairman.

23 BZA CHAIR HILL: Yeah, sure, of course, thank you.  
24 Mr. Di Marco, and thank all the commissioners for coming.  
25 If you're a commissioner, good for you. Mr. Di Marco, you

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1 want to go ahead, and introduce yourself for the record, and  
2 give us your testimony please?

3 MR. DI MARCO: Sure. I am Mike Di Marco, and I  
4 am here today both as a D.C. resident, as well as the  
5 executive director of Horizons Greater Washington to testify  
6 to Maret's history as a good community partner, and support  
7 the proposed partnership between Maret, and the ECC. For  
8 context, Horizons is a primarily summer academic enrichment  
9 program for 400 K through eight students in the D.C. area.  
10 We've hosted a site at Maret since 2000.

11 At Horizons, we work not only to stop the summer  
12 slide for under served students in Washington D.C., but to  
13 accelerate academic achievement during the critical summer  
14 months. And on average, Horizons students gain one to three  
15 months in math, and reading skills at the conclusion of each  
16 summer with Horizons. We're proud to serve students who  
17 primarily attend title one public, and public charter  
18 schools.

19 None of our incredible results over 20 plus years  
20 of programming would be possible without Maret's commitment  
21 to Horizons. This commitment to community, and Horizons's  
22 mission starts at the top with head of school Marjo Talbott.  
23 It was Marjo's commitment to our mission, and building a  
24 better, more equitable D.C. that brought Horizons to the D.C.  
25 area over 20 years ago. Since that time, Marjo has served

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1 as a steady presence on Horizon's board of directors, and  
2 helped our program expand from serving 15 students at Maret  
3 in 2000 to serving over 400 students at three schools in  
4 summer 2022.

5           It's Marjo's vision, commitment, and advocacy with  
6 her fellow school leaders that's made our expansion in  
7 programming possible. I can personally attest to the way  
8 that Maret wholeheartedly opens their doors to serve our  
9 Horizons students. At no cost, Maret provides program space,  
10 busing, staff resources, and material supplies, and yes field  
11 space to Horizons to ensure that our Horizons students can  
12 have a transformative, and life changing experience every  
13 year for nine years.

14           As part of the partnership, Maret really works  
15 hand in hand with us. As a community partner, I've seen the  
16 entire Maret community live out their mission, and values,  
17 particularly in supporting their student's success in  
18 connecting to their communities. In my role, I can attest  
19 that Maret is a conscientious, welcoming, willing partner,  
20 always mindful of their responsibility to serve the greater  
21 good.

22           I'm grateful for Maret's partnership with  
23 Horizons, and fully confident that the proposed partnership  
24 with ECC will benefit the larger community. Thank you.

25           BZA CHAIR HILL: Thank you Mr. Di Marco. Is it

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1 Simmons, Simmons?

2 MR. SIMONS: Simons.

3 BZA CHAIR HILL: Simons.

4 MR. SIMONS: Simmons has two M's.

5 BZA CHAIR HILL: Great, hi Mr. Simons, could you  
6 introduce yourself for the record please?

7 MR. SIMONS: Yes, I'm just turning on my video.  
8 I guess I'm on, yes.

9 BZA CHAIR HILL: There you go.

10 MR. SIMONS: Thank you, and good afternoon. My  
11 name is Bill Simons, and I have been a volunteer at the  
12 Episcopal Center for Children for over 35 years. I'm  
13 currently the chair of the board of directors. For over 125  
14 years, ECC's vision has been to create an educational, and  
15 therapeutic environment for young children with severe  
16 emotional disabilities. These are children who, for a  
17 variety of reasons, require special education services that  
18 are simply not available in their neighborhood schools.

19 Providing these services is expensive, and the  
20 funds we receive from the various government entities did not  
21 cover our costs. The very difficult decision to temporarily  
22 suspend operations before we depleted our reserves was  
23 heartbreaking. When word got out that we had paused our  
24 school, developers approached us about buying our vacant  
25 land, and even all of our buildings. We received numerous

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1 inquiries from churches, charter schools, retirement  
2 communities, housing developers.

3 But the ECC board was unanimously opposed to  
4 selling any of our property. When Maret School approached  
5 us with a plan to lease our open land, and develop it into  
6 playing fields for children, we felt that it was an excellent  
7 solution. Instead of filling our vacant land with more  
8 buildings, our partnership with Maret provides ECC with  
9 income so that we can renovate, and we are renovating our  
10 buildings, and reopen the school.

11 It provides athletic fields for children, and  
12 preserves our five acres as open space for the neighborhood.  
13 It would be irresponsible for us not to use every resource  
14 we have to reopen our school to serve the children, and the  
15 families that need us. Two things are absolutely certain.  
16 ECC will not be deterred from our longstanding mission of  
17 helping special needs children, and their families. And  
18 change will come to our five acres of open land in one form,  
19 or another. We cannot afford to have it remain as is. Thank  
20 you for allowing me to testify.

21 BZA CHAIR HILL: Great Mr. Simons, thanks so much,  
22 I didn't know we were going to get you. Can you tell me  
23 again what your role is?

24 MR. SIMONS: I'm the board chairman of the ECC.

25 BZA CHAIR HILL: This is great, you're the last

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1 witness, and this is somebody who I would have had some  
2 questions for, so that's great. And the board might as well  
3 in a moment. I see one person's hand up, I think that's the  
4 last person. Mr. Blake, you had a question?

5 MR. YOUNG: You have one more witness, sorry.

6 BZA CHAIR HILL: I'm sorry, okay Mr. Simon, and  
7 everybody else, just hang on a second. Who do I still have?  
8 Is it Nash.

9 MR. YOUNG: Stephanie Nash.

10 BZA CHAIR HILL: Okay, Ms. Nash, I'm sorry, could  
11 you go ahead, and introduce yourself for the record? You're  
12 on mute Ms. Nash.

13 MS. NASH: Thank you. Can you hear me now? I was  
14 getting a little nervous there, I thought maybe I wasn't  
15 going to be called upon. My name is Stephanie Nash, I'm the  
16 CEO here at the Episcopal Center for Children. I've worked  
17 here for more than 30 years as a clinical social worker, and  
18 administrator. A lot of what I wanted to talk about has been  
19 said, and it was very heartfelt to hear supporters say some  
20 of what I want to say.

21 But I want to take this time as the CEO to say our  
22 nonprofit, nondenominational organization here has resided  
23 in Chevy Chase since 1930 on this beautiful campus. We were  
24 recently nominated for historic landmark status as well. We  
25 provide special education, and family support to children

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1 coping with conditions that you heard our parents speak  
2 about. ADHD, oppositional defiant disorder, mood disorder,  
3 trauma, anxiety disorder, and specific learning disabilities.

4           We served predominantly children from Washington  
5 D.C., 84 percent of our students were from D.C. Public  
6 Schools, and public charter schools. The rest were from  
7 Virginia, and Maryland. Our students were primarily children  
8 of color, of which 91 percent of our students qualified for  
9 free lunch under the federal government guidelines. Our  
10 students face many challenges, and 47 percent had multiple  
11 disabilities. You heard our board chair mention in 2019, we  
12 made the painful decision for our operational pause because  
13 of the funding gap.

14           Our campus is silent today, but we eagerly away  
15 resuming services for our children, and for our families.  
16 Some have suggested that ECC's services are no longer needed.  
17 This is simply not true. Talking with the Office of the  
18 State Superintendent -- excuse me, the superintendent of  
19 education, otherwise known of OSSE, it's very clear that  
20 there is a continuing need for ECC, not just today, but in  
21 the future.

22           With the pandemic, I'm sure people have realized  
23 the need for mental health services for children will only  
24 increase. While the District of Columbia has improved upon  
25 serving special education for public schools over the years,

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1 mainstream is not an option for the children that we've  
2 served. Their individual educational needs were so great  
3 that their IEPs could not be addressed in the public schools,  
4 it was not sufficient.

5           So, unfortunately while we've paused our program,  
6 several of our other schools like ours also closed in 2019.  
7 So, at this date, there's only one school similar to ECC in  
8 the district. Due to these closures, district students, as  
9 you heard, are being bused. Some of them up to three, to  
10 four hours a day on school buses to get to their schools that  
11 are in Virginia, and in Maryland. And that, we think is a  
12 detriment to families, because they cannot participate in the  
13 education, and treatment of their students, of their  
14 children.

15           To reopen, you heard our board chair, we need to  
16 have additional revenue streams. So, our hope, and our  
17 belief is when Maret reached out to us, building an athletic  
18 field, we were excited by the opportunity to align with a  
19 school that we believed had the same commitment to education,  
20 and diversity that we had. We feel strongly that athletic  
21 fields -- excuse me -- an athletic field is less intrusive  
22 than some of the other options that you've also heard our  
23 board chair mention.

24           The clear benefit's of Maret's athletic field  
25 would include long term funding for ECC, it would include use

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1 for our ECC students who primarily were in wards six, seven,  
2 and eight to be able to use the field, in addition to  
3 neighborhoods, and the community children. We've appreciated  
4 Maret's sensitivity, and diligence, and working through this  
5 process. It's been a long one, as you might guess. It's  
6 time for ECC to get back into the business of helping  
7 children with special needs.

8           Our intention is to reopen this fall in 2022,  
9 we've done significant repairs, and we'll be continuing to  
10 do so. Our initial program will be 20 to 25 students. With  
11 the referral process playing out, we expect that enrollment  
12 to grow. So, I thank you all for your time, and I strongly  
13 encourage you to support Maret's application. I'm looking  
14 forward to the children walking through these halls again,  
15 and it not being so silent. I welcome, and thank you all  
16 again for your time, and attention.

17           BZA CHAIR HILL: Thank you Ms. Nash, thank you for  
18 your testimony, and thank everyone for their testimony.

19           MS. BROWN: Mr. Commissioner, I'm sorry, my name  
20 is Lisa Brown, and I was scheduled to give testimony, and I  
21 wasn't called on. I think there were two Browns, and so you  
22 may have missed me.

23           BZA CHAIR HILL: I'm sorry Ms. Brown.

24           MS. BROWN: That's okay.

25           BZA CHAIR HILL: Okay, could you please introduce

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1 yourself for the record? And then also, you'll have three  
2 minutes as well.

3 MS. BROWN: I can, and I'm sorry, I don't have my  
4 video. My name is Lisa Brown, I am the Maret Parent's  
5 Association president. I have two children at Maret, I have  
6 a senior, and seventh grader who both will not benefit from  
7 the use of the field, as they play different sports. So, I  
8 just wanted to -- there's lots of things that I wanted to  
9 say, that have already been said, but I do want to touch on  
10 two points.

11 And one is that I feel like I know for a fact I  
12 have several friends who live in, or near the area of the  
13 proposed fields who have been afraid quite frankly, to speak  
14 in favor of the fields, because they feel like they're going  
15 to be bullied. So, I just want that to go out there for the  
16 record, that some of those blue dots that we saw on the map  
17 were actually folks who are in favor of -- while their  
18 address might lie close to the field, and close to Friends  
19 of the Field, they actually are in favor of this development.

20 The other thing I'd like to say is that I've sat  
21 on several meetings, if not all of the meetings starting way  
22 back in the fall, and I take issue with the way Maret has  
23 been characterized as a bad actor. I've been a parent of two  
24 students at the school for seven years, and I can tell you  
25 that Maret, and the leadership of Maret is very intentional,

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1 in everything that they do. And as the president of the MPA,  
2 one fo the things that I'm charged with is building  
3 community, and fostering communication.

4           Maret, at their Woodley Park location, makes sure  
5 that we all follow the guidelines. I myself, when I was  
6 coming just for my tour, parked in the wrong place, and  
7 before I could get on the campus, I was approached, and  
8 gently, and respectfully reminded that that's not where I  
9 could park, and would I come, and move my automobile. Maret  
10 hosts farmer's markets, and as you know, other sports teams.  
11 And community, and being a good actor in the community is  
12 primary to what Maret stands for.

13           So, I respectfully ask that the BZA vote yes, a  
14 resounding yes for us to go ahead, and develop these fields  
15 so that not only the children of Maret, but other children  
16 in the District of Columbia can use these fields to further  
17 their athletic desires. Thank you so much.

18           BZA CHAIR HILL: Okay, thanks Ms. Brown. Thank  
19 you everybody for their testimony, thanks for sticking around  
20 so long. It's -- you obviously care to stick around this  
21 long. Let's see, does the board have any -- I have a couple  
22 of questions, but does the board have any questions for  
23 anyone? I just only have one. Ms. Nash, you guys, so when  
24 you're -- when would you open -- you're saying you're opening  
25 in the fall.

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1 I'm just trying to understand the relationship,  
2 and I can also ask Mr. Tummonds, the relationship between  
3 this agreement, and ECC actually starting again.

4 MS. NASH: It is largely contingent on this going  
5 through. Our timing, and a lot of the renovations that we've  
6 started have begun in a way, programing, and planning for  
7 fall 2022. There may be some flexibility with that, because  
8 we had been in operation, we have what the city calls a  
9 certificate of approval. I've already submitted that, and  
10 working with the city around any other guidelines that would  
11 need to be addressed, sort of an iterative process.

12 So, right now our goal is for fall of 2022, but  
13 yes, indeed, it's contingent on us being able to move forward  
14 with this application, and some of what is being planned, and  
15 discussed at this time.

16 BZA CHAIR HILL: Okay, thanks. I mean it's not  
17 necessarily within the general standards, but I was curious  
18 as to when -- how this relationship bore out. So, okay, does  
19 anyone else have any questions? Okay, all right, I'm going  
20 to go ahead, Mr. Young, and excuse everyone. And then what  
21 I would propose, is that the board take a quick break. And  
22 hopefully you all come back, meaning my board members. You  
23 know we've got two more?

24 I don't know what's going to happen now, you know?  
25 So, but anyway, Mr. Young, if you could excuse the witnesses,

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1 and bring back everybody who was here with us before. And  
2 then let's take a quick break, okay? And we'll come back in  
3 five, ten minutes, okay? Thank you.

4 (Whereupon, the above-entitled matter went off the  
5 record at 4:32 p.m. and resumed at 4:41 p.m.)

6 MR. MOY: Our Board has returned to its public  
7 hearing session after a very quick recess. And the time is  
8 at or about 4:41 p.m.

9 BZA CHAIR HILL: Okay, Mr. Young, can you hear  
10 me?

11 MR. YOUNG: Yes, I can.

12 BZA CHAIR HILL: How many in opposition that you  
13 still have with me? I have 26 signed up.

14 MR. YOUNG: I have, like, 16, give or take.

15 BZA CHAIR HILL: Okay. Why don't you go ahead and  
16 bring, let's see if we can do eight at a time again.

17 MR. YOUNG: Okay.

18 BZA CHAIR HILL: Okay. And then just give me the  
19 names, okay?

20 MR. YOUNG: First one is Kathy Abbruzetti, and  
21 then I have Crystal Wright, who is on the phone, and I'll  
22 unmute her, Ann Sutherland, Carol Zachary, Jil MacNeice, who  
23 I believe is also with Thierry Rosaheck, Jonathan Axelrod,  
24 and Mary Callahan.

25 BZA CHAIR HILL: Okay. So that'll get me, that's

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1 our first batch then, okay.

2           Okay, so as I'm sure you all have been listening  
3 throughout the day or what have you, everyone who's here get  
4 three minutes to testify. If you could please go ahead and  
5 introduce yourself after I call your name for the record.

6           And then please, again, don't call out anybody's  
7 name or, like, say anything, you know, really controversial  
8 about any person or persons. Just stick to the testimony,  
9 and it'll be better. Because basically you're trying to  
10 convince the Board that they're not meeting the standard for  
11 us to grant the relief requested or vice versa.

12           All right, the first person I have is Abbrunetti.  
13 I don't know if I'm saying that right or, oh --

14           MS. ABBRUZZETTI: Hi, good afternoon, it's Kathy  
15 Abbruzzetti.

16           BZA CHAIR HILL: Oh, Abbruzzetti. Okay.

17           MS. ABBRUZZETTI: Yes.

18           BZA CHAIR HILL: Ms. Abbruzzetti, if you could  
19 introduce yourself for the record, and then go ahead and  
20 begin whenever you like.

21           MS. ABBRUZZETTI: Absolutely, I'm Kathy  
22 Abbruzzetti. My husband and I live at 5939 Utah Avenue. So  
23 our property backs up to the park and is very close to the  
24 field that's being proposed.

25           So as a bordering neighbor of the Episcopal Center

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1 for Children, I'd like to restate our support of the school  
2 and their mission. But as more information has come to light  
3 regarding the commercial scale, high intense use of the  
4 proposed sports complex, we've become alarmed and  
5 disheartened at the size of the design and the scope of usage  
6 for the fields.

7           Through many meetings with various participants,  
8 we've learned that the proposed sports complex scope and  
9 usage will create a negative environmental impact as well as  
10 create noise, parking, and traffic issues that are contrary  
11 to the communal fabric surrounding ECC.

12           When you combine this proposed complex with the  
13 proximity of St. John's College High School, which is 0.5  
14 miles away, the probable impact of that noise, parking, and  
15 traffic will be detrimental to those who live in the  
16 surrounding neighborhood, pay taxes, and support the city.

17           Our residential zoned community will be disrupted  
18 permanently by the scale of this project and the intensity  
19 of its use. Our ANC Commissioners failed to listen to over  
20 150 adjacent families and to protect our neighborhood from  
21 such a drastic project.

22           As an adjacent neighbor, I feel that our concerns  
23 have not been heard or addressed. So we ask this Board of  
24 Zoning Committee to vote against Maret's request for a zoning  
25 exception and help our community continue to seek a viable

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1 solution for ECC that is less invasive and more in keeping  
2 with the neighborhood currently zoned as residential. Thank  
3 you.

4 MR. YOUNG: Thank you, Ms. Abbruzzetti. Mr.  
5 Wright or Ms. Wright, I can't see.

6 MR. YOUNG: Thank you. I have Crystal Wright next  
7 who is on the phone. And I'll unmute her.

8 BZA CHAIR HILL: Ms. Wright, can you hear me?

9 MS. WRIGHT: I'm not on the phone. I'm on the  
10 computer.

11 BZA CHAIR HILL: Can you hear me?

12 MS. WRIGHT: No. Yes.

13 BZA CHAIR HILL: You can hear me?

14 MS. WRIGHT: Yes, hello?

15 BZA CHAIR HILL: Okay, hello.

16 MS. WRIGHT: Sorry, I thought, yes, can you hear  
17 me?

18 BZA CHAIR HILL: Sure.

19 MS. WRIGHT: Okay, sorry. You were saying I was  
20 on the phone. But I'm actually on my Mac. So I got a little  
21 confused. I apologize.

22 BZA CHAIR HILL: No problem, that's all right.  
23 You woke us all up.

24 (Laughter.)

25 MS. WRIGHT: Sorry. Ha, ha, ha.

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1 BZA CHAIR HILL: So you want to --

2 MS. WRIGHT: I guess I've been waiting all day.  
3 Okay.

4 BZA CHAIR HILL: That's all right, I got you. You  
5 want to introduce yourself for the --

6 MS. WRIGHT: Thank you so much. Yes. Thank you  
7 so much. My name is Crystal Wright. I have resided at 5853  
8 Nebraska Avenue for 13 years. I oppose Maret's redevelopment  
9 of the ECC field into an athletic stadium in the middle of  
10 a residential neighborhood.

11 And as a single Black woman, I can tell you,  
12 entitlement did not pay for my home, but hard work did. My  
13 house sits directly across the street from the side of the  
14 field where Maret seeks to build a cutout and, I'm sorry, a  
15 curb cut and a 50-car parking lot along with a bus lap.

16 This section of Nebraska that stretches from Utah  
17 to Oregon Avenues on which I live experiences a high amount  
18 of commuter traffic from Maryland in the morning and evening.  
19 And this is not overblown. I've lived here for 13 years.  
20 I see it every day.

21 I also see the racing that goes on, people driving  
22 over 50 miles an hour as you have folks walking their kids  
23 to and from school. This will only be exacerbated when the  
24 redevelopment of Oregon Avenue is completed in 2022.

25 Maret did hold many meetings with neighbors,

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1 including one at my home in October with neighbors directly  
2 impacted on the Nebraska side, but that was for PR purposes  
3 only, because Maret did not alter their field plans at all.

4           Maret informed neighbors that weekday games are  
5 expected to attract up to 100 spectators and that five games  
6 a year could attract 300 or more spectators. Many children  
7 and parents walk to and from our neighborhood DC public  
8 school, Lafayette. How will their safety be impacted by the  
9 significantly increased traffic on Nebraska Avenue?

10           For over six months, our ANC Commissioners, Randy  
11 Speck and John Higgins conducted a charade of listening  
12 sessions with residents to whom they were elected to serve.  
13 The Commissioners have silenced opposition voices during ANC  
14 meetings.

15           I signed up to speak at a meeting in January of  
16 this year, and despite knowing for months my opposition to  
17 the project, and the location of my property, both  
18 Commissioners gave other neighbors who don't live near the  
19 field preferential treatment allowing them to speak early in  
20 the four-hour plus evening meeting.

21           Due to my work obligations, I was unable to wait  
22 until after 9:30 p.m. to speak. I cannot fathom how ANC  
23 Commissioners could vote in favor of a zoning exception for  
24 a massive commercial athletic complex that turns a  
25 residential neighborhood upside down for a very rich private

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1 school that is not in our neighborhood.

2           Located in Woodley Park, Maret School has a \$35  
3 million endowment. This has been reported and verified by  
4 the Washington Post, and a principal whose compensation was  
5 over half a million dollars in 2020. While I am happy that  
6 Maret boasts about educating students of color, as it should  
7 in post-civil rights era, this fact has nothing to do with  
8 this EEC field project. Seventy-five percent of students  
9 attending Maret pay the full \$42,000 yearly tuition.

10           Maret wants to use or lease the field to other  
11 groups nearly 11 months out of the year. What peace and  
12 quiet do I receive for being a tax paying homeowner in a DC  
13 residential neighborhood? This multi-million dollar athletic  
14 complex greatly benefits the rich, private Maret school, its  
15 students, and their parents, as many have testified in  
16 support of the project. How does this athletic complex  
17 benefit homeowner residents of Chevy Chase like me?

18           The top selling agent with Long and Foster  
19 estimates that Maret's proposed redevelopment of the ECC  
20 field will cause property values of homes in the area to  
21 decline by 10 percent. As I have noted, nobody pays my  
22 mortgage but me. I'm a single Black woman who has worked  
23 very hard for this investment in my future.

24           Finally, our ANC Commissioners created a committee  
25 to promote diversity and equity in the Chevy Chase community.

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1 Rather than talking about this, I would think that the  
2 Commissioners would want to put their words into action by  
3 protecting the equity of tax paying homeowner residents like  
4 me who actually live in Chevy Chase and who would be  
5 negatively impacted by this athletic field. Thank you.

6 BZA CHAIR HILL: Okay. Thank you, Ms. Wright.  
7 Thank you for your testimony.

8 Sutherland, Mr. or Ms. Sutherland?

9 MS. SUTHERLAND: Good morning.

10 BZA CHAIR HILL: Can you hear me?

11 MS. SUTHERLAND: I can hear you.

12 BZA CHAIR HILL: Could you introduce yourself for  
13 the record?

14 MS. SUTHERLAND: Yes. My name is Ann Sutherland.  
15 I live at 5869 Nebraska Avenue. I've lived in this house  
16 with my husband for 38 years.

17 BZA CHAIR HILL: Okay. I just want to let you  
18 know, you'll have three minutes and --

19 MS. SUTHERLAND: Yes, I got you.

20 BZA CHAIR HILL: -- you can start whenever you  
21 like.

22 MS. SUTHERLAND: Okay. My name is Ann Sutherland.  
23 I live at 5869 Nebraska Avenue, lived here for 38 years with  
24 my husband. I live directly across the street and on the  
25 downhill slope from the site of the ECC. And I think that

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1 no one is arguing that the ECC does great work. And I think  
2 no one is arguing that Maret is a very fine school. I think  
3 that we all understand that.

4           But some of the supporters today accused the  
5 neighbors, the contiguous neighbors, of opposing this just  
6 for opposing change for change sake. I think nothing could  
7 be farther from the truth. Because if it were, the  
8 neighbors, the contiguous neighbors, would not have proposed  
9 -- attempted to propose an alternate design plan for the  
10 field that would have been less intensive.

11           We oppose the plan, the current plan, because it  
12 is too much development for the size of the site. It's very  
13 aggressive use with constant use. And I think we have some  
14 real concerns, those being, I mean, I think it's easy for  
15 supporters to support when you don't live where we do. You  
16 know, when you don't live where you can see the field or hear  
17 the field, it's easy to be in support, sure. Why not, right.

18           But frankly, you know, the increased traffic,  
19 water runoff which we know is going to happen, and it's  
20 already a big issue in this neighborhood, loss of trees and  
21 natural habitat, parking issues, these are all fallout that  
22 are going to a lot for the neighbors to bear.

23           And, you know, we think that Maret and ECC need  
24 to modify their design to mitigate the effects on the  
25 contiguous neighbors, many of whom have lived here for

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1 decades. And the contiguous neighbors deserve consideration  
2 and respect for what we've contributed to building this  
3 community. This is not going to be low impact on the people  
4 that live right around. And that's it.

5 BZA CHAIR HILL: Thank you, Ms. Sutherland. Thank  
6 you for your testimony.

7 MS. SUTHERLAND: You're welcome.

8 BZA CHAIR HILL: Zachary? Oh, Ms. Zachary? Can  
9 you hear me?

10 MS. ZACHARY: Yes, I can. Can you see me?

11 BZA CHAIR HILL: I can hear you and now I can see  
12 you. If you can go ahead and introduce yourself for the  
13 record, and then you'll have three minutes to give your  
14 testimony. And you can begin whenever you like.

15 MS. ZACHARY: Well, hi. All right, I'm Carol  
16 Zachary. And I live on Rittenhouse Street and I have for 40  
17 years. And I know that the Board members here have seen your  
18 share of dysfunctional, and neglected, and apathetic  
19 neighborhoods. This isn't one of them. This is highly  
20 functioning and absolutely a wonderful neighborhood. And I'm  
21 going to give you three snapshots of it, if I can.

22 One, the pandemic hit. And we have over 50 kids  
23 in a three-block area who are under 12. And they all know  
24 when their birthday party is. What do you do? Well, little  
25 Mary, and by the way, I'm switching out the names to protect

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1 the innocent, but little Mary is first up. It's her  
2 birthday.

3 Well, somebody runs up and rings the doorbell.  
4 And when Mary steps out, here is the entire neighborhood  
5 standing in the street, stopping traffic, standing in the  
6 sidewalks and so forth, and we belt out the worst rendition  
7 of Happy Birthday to You that you have ever heard. And she's  
8 tickled. And we're tickled. And so we can't stop.

9 The next kid is up in about two weeks. We've got  
10 to do it for him. And then we bring in balloons, and then  
11 we bring in knock-knock jokes. And pretty soon, we've done  
12 35 around the calendar. And our singing hasn't gotten any  
13 better. But this is good community.

14 Three weeks ago, a beloved member of our community  
15 checked himself out of the hospital, told his doctor, who was  
16 disapproving of this move, that he wanted to go home to die  
17 in his own bed, in his own house, in his own neighborhood.  
18 We couldn't see him, but we were told that he would love his  
19 cards and his letters going to him there. And his kids read  
20 them to him. And he died, and we walked him home. That's  
21 good community.

22 A couple of years ago, a new family moved in.  
23 Somebody met them at the door with cookies. Another person  
24 met them at the door with a directory and, you know, the  
25 schedule of the garbage pickup. That's really important.

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1 Fast forward a couple of weeks, and the older kid has to get  
2 to the hospital. It's midnight. How do they get help,  
3 because the younger kid is sleeping?

4 The guy goes to the directory, remembers the name  
5 of the guy or the family that gave him the cookies, and  
6 called those people. And they say, you know, they start to  
7 explain, and could you just come over and cover. And the guy  
8 that they called says don't worry about it. I'm putting on  
9 my robe, I'm grabbing my cell phone. I'll be there in 20  
10 seconds. And he was. That's good community.

11 Well, these are three snapshots. As you know, it  
12 takes a long time to build a strong community. But it's  
13 fragile. It's always fragile. And it can disintegrate.  
14 This plan, this multi-sport, two-field concept shoved right  
15 up against our postage stamp size backyards, this plan that  
16 has a field rental business attached to it sort of  
17 masquerading as a charity, this plan made possible only by  
18 totally degrading the environment and thus eroding the  
19 community that's surrounding it. This plan that is promoted  
20 as good for our community, Board members, I'm unconvinced.

21 BZA CHAIR HILL: Okay. Thank you, Ms. Zachary.  
22 Can you hear me?

23 MS. ZACHARY: Thank you, Chairman Hill.

24 BZA CHAIR HILL: Thank you, thank you Ms. Zachary.  
25 It sounds like a lovely neighborhood.

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1 MS. ZACHARY: It is.

2 BZA CHAIR HILL: Let's see. Is it Ms. MacKenzie  
3 or McKenzie?

4 MS. MACNEICE: MacNeice.

5 BZA CHAIR HILL: McNeice?

6 MS. MACNEICE: Yes.

7 BZA CHAIR HILL: Can you hear me?

8 MS. MACNEICE: I can hear you, yes.

9 BZA CHAIR HILL: Would you introduce yourself for  
10 the record, please? And then you'll have three minutes to  
11 give your testimony.

12 MS. MACNEICE: Okay. I'm Jil MacNeice. I live  
13 at 5723 Nebraska Avenue Northwest. It's about 300 feet from  
14 the front of the ECC. And I am a Friend of the Field.  
15 There's been a lot of talk about the friends being against  
16 the sports field. And that is not the case. We want a  
17 single field, not no field.

18 And I want to talk a little bit about my strong  
19 support for the use of natural grass over plastic turf on  
20 that field. You've heard about the problems of plastic  
21 grass, the toxic chemicals that can make us all very, very  
22 sick. I want to talk a little bit about how you can have  
23 real grass and how real grass is actually doable.

24 The science and technology around natural grass  
25 has advanced tremendously in the past couple of years. And

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1 it's actually now possible to make natural fields that can  
2 handle heavy use as well as any synthetic turf field does.  
3 For example, the Maryland Sportsplex in Montgomery County has  
4 both grass and plastic turf fields. And the grass fields are  
5 as carefully engineered as the plastic ones. And they  
6 actually hold up equally well with constant use. And they  
7 are equally playable, even during rainstorms. Half of all  
8 NFL fields are natural grass.

9           And the Baltimore Ravens went natural in 2016.  
10 And the players love it. And also, I just want to mention  
11 that Montgomery County is only installing natural grass in  
12 it's public fields. So it can be done. And it is being done  
13 all over the country.

14           To be successful, a grass field needs careful  
15 planning, engineering, and maintenance. But that's not any  
16 more effort that's involved in putting in and installing a  
17 plastic turf field. So here's what's involved? First, you  
18 have to hire a certified expert. Then you need to conduct  
19 soil analysis and add soil amendments. It's important to  
20 execute drainage engineering on the site and also to make  
21 site specific seed selections. There are many, many turf  
22 seeds that can handle drought extremely well these days.

23           Then the field needs to be maintained with  
24 aeration, watering, overseeding, and fertilizing. And here's  
25 an interesting fact, these natural grass fields, with all the

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1 intensive care and planning that they need are still cheaper  
2 than plastic turf. The Safe, Healthy Playing Fields  
3 organization estimates that the 20-year life cycle cost of  
4 grass is actually 30 percent less expensive than plastic turf  
5 fields.

6           Excuse me, I want to end on this one point. Grass  
7 field experts have a saying. They say, "Keep your eye on the  
8 field. Grass tells you when it's in trouble. With plastic  
9 turf, the only ones who know theres's a problem are the ones  
10 who get hurt. Thank you very much.

11           BZA CHAIR HILL: All right, thanks, Ms. MacNeice.  
12 Thanks for your testimony.

13           Is there a Roseneck with you?

14           MR. ROSENHECK: This is Thierry Rosenheck.

15           BZA CHAIR HILL: How do you say your name?

16           MR. ROSENHECK: Thierry. It's Thierry.

17           BZA CHAIR HILL: Okay. And how do you say your  
18 last name? I'm sorry.

19           MR. ROSENHECK: Rosenheck.

20           BZA CHAIR HILL: Rosenheck. All right, Mr.  
21 Rosenheck, if you could go ahead and give us your testimony.

22           MR. ROSENHECK: Sure. Thank you very much,  
23 Commissioner. My name is Thierry Rosenheck. I live on  
24 Nebraska Avenue, 5723 Nebraska Avenue, across the street from  
25 the ECC. Thank you for letting me speak.

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1 Today I want to talk about the homes that are  
2 going to be -- that are around the Maret playing field. I  
3 counted about 33 homes that could be losing the enjoyment of  
4 their backyards. In architecture, I've learned that some  
5 fundamental lessons are related to the notion of front and  
6 back. The public and the private --

7 MR. AXELROD: Hi, you agree. I've lost the sound.  
8 Can you tell me when he's calling on me.

9 BZA CHAIR HILL: Mr. Axelrod, I can hear you.

10 MR. AXELROD: Thank you.

11 MR. ROSENHECK: May I continue?

12 BZA CHAIR HILL: Yes, please continue. Sorry.

13 MR. ROSENHECK: So as I was saying, there are  
14 fundamental lessons in architecture related to front, back,  
15 public, private, profane, sacred. It's human nature, and  
16 we even dress according to those things. We have an office  
17 dress, we have a Sunday dress, we have a dress for home.

18 Home has vestibules that allow for people to be  
19 greeted and invited in further in the kitchen, in the back  
20 of home. The notion of front/back is always with us. In  
21 office situations, you have a receptionist and the back  
22 office. In churches you have vetibules, a congregation aream  
23 and you have the sanctum. So we're talking really about --

24 MR. AXELROD: Stay on this so I can hear the --

25 BZA CHAIR HILL: Mr. Rosenheck, hang on one

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1 second.

2 BZA CHAIR HILL: Mr. Azelrod, you're unmuted  
3 again. Go ahead, Mr. Rosenheck. Sorry.

4 MR. ROSENHECK: So what I'm talking about is  
5 privacy. What is privacy? It's my ability to control my  
6 interactions. We are taught to design for our built  
7 environments to respect privacy. The backyards that I look  
8 at with the playing field as it is being proposed by Maret,  
9 all of these backyards are going to be potentially losing the  
10 private moments that they are able to have when they go  
11 outside in their backyards. Basically, Maret dropped a  
12 playing field in 33 backyards. Thirty-three families can no  
13 longer have private moments in their backyards.

14 (Audio interruption.)

15 BZA CHAIR HILL: Go ahead. Mr. Axelrod, can you  
16 hear me? Mr. Azelrod?

17 MR. AXELROD: Yes?

18 BZA CHAIR HILL: Just to let you know, you're  
19 coming on and off mute. So if you could just try to stay  
20 muted, okay.

21 MR. AXELROD: Yes, I have a problem with the  
22 sound. But I can tell if it's my turn to speak. I'm ready  
23 to do that.

24 BZA CHAIR HILL: Okay. Go ahead and put yourself  
25 on mute right now, if you wouldn't mind.

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1 MR. AXELROD: What?

2 BZA CHAIR HILL: Just give me a second, Mr.  
3 Axelrod.

4 MR. AXELROD: My name is Jonathan Axelrod. I live  
5 on --

6 BZA CHAIR HILL: Mr. Axelrod?

7 MR. AXELROD: -- 2832 --

8 BZA CHAIR HILL: Mr. Axelrod, just wait a minute.  
9 I'm still in the middle of another person's testimony. If  
10 you could just mute.

11 Mr. Rosenheck, you were speaking about privacy,  
12 and backyards, and front doors.

13 MR. ROSENHECK: Yes, I was. The privacy of  
14 people's backyards, they are going to be losing the ability  
15 to enjoy and -- once you have a playing field there, there  
16 is no more control of what you hear. It's whatever Maret has  
17 decided is going on with their games that people are going  
18 to be hearing in their private backyard. When I go to my  
19 backyard, I am able to have a moment of stillness in my  
20 backyard. If I have a game going on there, I lose that  
21 ability. It's the loss of privacy.

22 So at this point, I'm a little bit conflicted,  
23 because I want to tell you, please stop a project like that  
24 from taking place. But at the same time, our organization,  
25 our group organization has decided that we are not against

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1 development. And we've heard from Maret's proponents over  
2 and over again that we are against development. We are not.  
3 We have proposed an alternative to their designs. So I think  
4 that that should be taken into consideration, that we are not  
5 opposed to that. Thank you.

6 BZA CHAIR HILL: Okay. Thanks, Mr. Rosenheck.  
7 Sorry it was a little confusing. Mr. Axelrod, can you hear  
8 me?

9 MR. AXELROD: Yes.

10 BZA CHAIR HILL: Could you go ahead and introduce  
11 yourself for the record? And you'll have three minutes for  
12 your testimony.

13 MR. AXELROD: Thank you. My name is Jonathan  
14 Axelrod. I've lived at 2832 Rittenhouse Street since 1974.  
15 I'd like to submit in writing what I was planning to say and  
16 spend my time addressing Board Member Smith's question  
17 concerning enforcement of any deal that's made with Maret or  
18 ECC to apply the terms and conditions of any agreement.

19 I was on the advisory committee that the ANC  
20 created to consider resolutions of this Maret plan. We  
21 submitted a wish list. They said no to all of that. And  
22 then the Commission or Commissioner Speck produced a template  
23 of an agreement, or a template of a design, and asked for  
24 comments.

25 We submitted, instead of just comments to his

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1 proposal, we submitted a draft of a contract between the  
2 Friends of the Field, and Maret, and ECC. One of the things  
3 we accepted was a suggestion from the ANC that there be a  
4 task force. And the task force was to be composed of one  
5 representative from each of the four streets surrounding the  
6 field, Rittenhouse, Nebraska, Utah, and 28th.

7           And that task force, among other things, was  
8 supposed to be the first step in resolving disputes between  
9 Maret, ECC, and the residents of the community. And if the  
10 task force couldn't resolve the dispute, it would go to  
11 arbitration. And the arbitrator and the task force, for that  
12 matter, would have authority to impose sanctions and, I  
13 guess, do other things to enforce the agreement. We thought  
14 that was a great idea. Soon after we submitted objections  
15 to the proposal, because we wanted the same crucial issues  
16 that we're talking about today.

17           One night in February the ANC had a meeting to  
18 discuss the ANC's draft and all the comments. And one of my  
19 comments was that the four representatives from the four  
20 surrounding streets should be elected by the people on those  
21 streets who could say were the most affected by whatever was  
22 going to happen here.

23           Between that meeting and the publication of the  
24 resolution that's before you, the ANC changed the task force  
25 so that it would no longer have people from the four streets

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1 and changed the task force so that they would all be  
2 appointed by the ANC and not necessarily be composed of ANC  
3 3/4G residents. So there is or there was a mechanism for  
4 enforcing the agreement, whatever agreement there was. Our  
5 plan was that we be a part of it, and we certainly aren't  
6 now. But thank you for the opportunity to speak. And I will  
7 answer any questions.

8 BZA CHAIR HILL: Thanks, Mr. Axelrod. Thanks for  
9 your testimony. Thanks everybody for sticking around. Is  
10 it Callahan, Ms. Callahan? Can you hear me? Ms. Callahan,  
11 can you hear me?

12 MS. CALLAHAN: Hello? Just muted again.

13 BZA CHAIR HILL: Yes, got you. Can you go ahead  
14 and introduce yourself for the record?

15 MS. CALLAHAN: Yes, thank you for this opportunity  
16 to talk. My name is Mary Callahan. And I live at 6008 Utah  
17 which is across the street from the portion of Utah that will  
18 be most affected by this development.

19 BZA CHAIR HILL: Ms. Callahan, can you hear me?  
20 Can you hear me?

21 MS. CALLAHAN: Yes.

22 BZA CHAIR HILL: Just to be sure, can you see the  
23 clock on the screen? No? Anyway, Ms. Callahan, I'm just  
24 letting you know you have three minutes to give your  
25 testimony. There's a clock on the screen, but I'll let you

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1 know when you're over, okay?

2 MS. CALLAHAN: Okay. Can you hear me now?

3 BZA CHAIR HILL: Yes, I can hear you very well,  
4 thank you.

5 MS. CALLAHAN: Okay. I live across the street  
6 from the section of Utah that is contiguous to the plan for  
7 the field. And the first time I actually heard about this  
8 development was in December or January from members of the  
9 Friends of the Field. At that particular time, because we  
10 don't have children at Lafayette or whatever, that was my  
11 first contact.

12 So I'm not quite up to speed on some of these  
13 issues, but I'd like to speak to a couple of the issues that  
14 concern me, mainly in terms of the children in the  
15 neighborhood and those who will be using the field.

16 My husband and I run a company that focuses on  
17 issues in education. It's based in DC. And the rising  
18 concerns about construction of artificial turf fields are  
19 moving across the country right now. And so we're facing  
20 this development at a point when the rest of the country is  
21 beginning to double think whether these are a good idea. And  
22 Jil Macneice spoke a few minutes ago about the fact that it's  
23 a concern in Montgomery County, and they've begun to rethink  
24 installing artificial turf there as well.

25 One of the other concerns is that this will create

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1 a heat island. The fields get very, very hot in the summer.  
2 There are often periods when the children who are supposed  
3 to be playing on them can't play on them. And since 2018,  
4 this particular block has lost four heritage trees alone, old  
5 oaks that have been dying off.

6 And the block is now being served by Urban  
7 Forestry to replace those trees. I'd be a lot more  
8 comfortable if the plan included at this point an  
9 Environmental Impact Statement on both of those issues, both  
10 for the neighbors and for the children who will be using the  
11 field.

12 I am fully aware of the important mission that ECC  
13 follows. In fact, there is an enormous need for more  
14 programs such as ECC's across the country. As well, Horizons  
15 and some of the other organizations that will be using the  
16 field are excellent organizations. But at this particular  
17 point, the neighbors still don't have a sense of who else  
18 will be using the field. And there are a number of children  
19 involved who will be potentially impacted by this  
20 development.

21 BZA CHAIR HILL: Okay, Ms. Callahan, thank you.  
22 All right, does anybody have any questions of any of the  
23 witnesses? And if so, please speak up.

24 All right. Mr. Young, thank you all very much for  
25 your testimony. Mr. Young, you have another eight to bring

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1 in? And you can give me their names as you come in, please.

2 MR. YOUNG:

3 (Pause.)

4 MR. YOUNG: I have Mary Louise Wagner, Nancy  
5 Voisin, Paul Fisher, Rebecca Maydak, Sheppard Rambom, and Amy  
6 Stephen who is on the phone.

7 BZA CHAIR HILL: Okay, great. Ms. Wagner, can you  
8 hear me?

9 MS. WAGNER: I can. Can you hear me?

10 BZA CHAIR HILL: Great, yes, I can. Could you  
11 introduce yourself for the record? And then you'll have  
12 three minutes to give your testimony. There should be a  
13 clock there, and you can begin whenever you like.

14 MS. WAGNER: Okay. I don't see the clock, but  
15 I'll do the best I can.

16 BZA CHAIR HILL: That's okay.

17 MS. WAGNER: We live on 30th Street just below  
18 Legation Street. We are approximately two-tenths of a mile  
19 from the field, but we walk our dogs in the neighborhood,  
20 we've raised three children in the neighborhood, lived here  
21 since 1995.

22 Several key points I'd like to make. I've been  
23 listening all day. So I'll try to respond to a couple of  
24 things as well, assuming my time doesn't run out. My key  
25 points I want to make though really go to transparency,

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1 planning, and engendering trust with the neighborhood.

2 I don't recall exactly when we first heard about  
3 this, but it was consistent with the September, October,  
4 November timeframe that others have mentioned. It has not  
5 been transparent. I appreciate Maret has made a lot of  
6 changes along the way, and I appreciate the involvement of  
7 the ANC. But getting information has been difficult. And  
8 I don't believe that the planning that should have gone into  
9 the process of making this field has been done or made  
10 available to the community and the neighborhood.

11 I've seen the 3D maps, I've participated in some  
12 of the meetings. But it's the getting from Point A to Point  
13 B that I'm wondering about. How will this unfold during the  
14 planning -- during the development process? It is described  
15 as if it will be simple. It is not going to be simple.

16 It is not like we will suddenly have this  
17 beautiful field. There will be a major disruption in the  
18 neighborhood during this process. And I don't feel like that  
19 Maret and its supporters have really shared that with the  
20 community and addressed it with the community. Instead our  
21 focus has been on how wonderful this will be at the end.

22 And that doesn't seem like the appropriate way to  
23 do it for me. I don't know why that is. Is Maret in denial  
24 about how it is going to unfold or are they not being  
25 transparent about how it will unfold? I feel we need to see

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1 more of that before a decision is made. I would like to see  
2 more of Maret listening to a counter proposal as has been put  
3 forth by Friends of the Field. None of that feels to me like  
4 it has been happening, and I think it needs to happen.

5           Let me just say a couple things about what's been  
6 said during the course of the day. This isn't about  
7 supporting ECC. We've lived here for almost 30 years, and  
8 we've supported them and support their mission. This isn't  
9 about that. It isn't about supporting Maret. It's about is  
10 this the right way to help ECC fulfill its mission. And I  
11 don't think it is.

12           This is a private school, private entity, who  
13 needs a field. In my opinion, find it somewhere else and not  
14 in the middle of a neighborhood. This is also not about an  
15 entitled neighborhood who doesn't want new development.

16           BZA CHAIR HILL: Okay, Mr. Wagner, you're running  
17 out of time, just to let you know.

18           MS. WAGNER: Okay, I'm done. Thank you.

19           BZA CHAIR HILL: Okay, thank you. Thank you, Ms.  
20 Wagner.

21           Is it Ms. Voisin?

22           MS. VOISIN: Yes, can you hear me?

23           BZA CHAIR HILL: Yes. Could you introduce  
24 yourself for the record, please?

25           MS. VOISIN: Yes. My name is Nancy Voisin. I

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1 live at 6004 28th Street Northwest. Can you see me, because  
2 I'm here with some other neighbors today?

3 BZA CHAIR HILL: No. I don't see you. But I can  
4 hear you. You're on a computer?

5 MS. VOISIN: I am on a computer.

6 BZA CHAIR HILL: Can you see me?

7 MS. VOISIN: I can see you. Can you see us?

8 BZA CHAIR HILL: No, can't see your name either.

9 MS. VOISIN: Okay.

10 BZA CHAIR HILL: Hold on a second, maybe somebody  
11 there can help you.

12 MR. YOUNG: I don't know why, but it's not giving  
13 me the option to make her a panelist.

14 BZA CHAIR HILL: Okay. Ms. Voisin, if you go  
15 ahead, the other people can speak, if you're trying to tell  
16 me that individual people are going to speak.

17 MS. VOISIN: Well, what I'm trying to tell you is  
18 that the entire east side touching the Episcopal Center field  
19 is here in my house. So hopefully we can get on camera. I'm  
20 going to speak for all of the neighbors.

21 BZA CHAIR HILL: Okay.

22 MS. VOISIN: You've been through the backyard  
23 today, through the slides shown by Trey Holloway of Maret,  
24 shown by Claudia Russell of Friends of the Field. My  
25 backyard was shown, and some of the neighbors' backyards were

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1 shown as well on the slides.

2           My house is one of five located, as I mentioned,  
3 on the east end of the Episcopal Center Field. Four of these  
4 five homes share a property line with the Episcopal Center  
5 for Children site, and we are unique in this respect. We're  
6 the only neighbors who border the Episcopal Center for  
7 Children.

8           I'm here today with my next door neighbors, Dr.  
9 Kenneth Austin and his wife, Gladys Austin, my two doors down  
10 neighbor, Mrs. Willa Golden. And we, together, speak for all  
11 of the neighbors who are on the east side of the field,  
12 including, there are two more, Claudia Russell and the  
13 Thannault (inaudible) family, Sylvie and Thierry Thannault.

14           Our IT Department is here to see if we can get on  
15 camera.

16           BZA CHAIR HILL: No, that's okay, Ms. Voisin, go  
17 ahead and continue. I don't know whether it's going to work.

18           (Simultaneous Speaking.)

19           BZA CHAIR HILL: I can hear you.

20           MS. VOISIN: Yes, as the neighbors who border the  
21 Episcopal Center property, we are the most directly and the  
22 most negatively affected by the proposed project. And I want  
23 to inform you that the entire east side of the field is  
24 opposed to development as it is proposed but also supports  
25 the single field solution that you have seen today.

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1           You've seen the plans from Maret. The structure,  
2 comprised 12 feet of retaining walls topped by a six-foot  
3 fence and 30 feet of netting starting four feet from our  
4 property, is a highly objectionable condition. We asked  
5 Maret to change it. But they will not. Their position is  
6 that their sports program needs are more important than we  
7 are. We disagree.

8           There is no question that this condition will  
9 negatively impact our enjoyment of our properties, cast our  
10 yards in shadow, and devalue our properties. The retaining  
11 walls start only four feet from our homes, or from our  
12 properties, and the walls, fence, and netting will tower  
13 higher than our houses. And this condition, very  
14 importantly, has not been addressed in the ANC's proposed  
15 conditions.

16           You saw it with your own eyes. You saw it on the  
17 slides. But we're seeing it with our own eyes, looking  
18 outside. This project, as presently planned, will also  
19 physically bisect our neighborhood, cutting us off fully from  
20 the rest of the neighborhood. The athletes will be looking  
21 down on our houses and looking down on our yards from 12 feet  
22 above them. We'll be basically, like, in the bottom of a  
23 swimming pool.

24           It is not too late to reject this plan or to  
25 change this plan to make improvements that will serve not

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1 only the Episcopal Center for Children, which every one of  
2 these neighbors has supported in writing for years when the  
3 Episcopal Center wanted to get a special exception to build  
4 their media center. All of the neighbors on the east side  
5 supported that in writing.

6           And it is not too late to change the plan to make  
7 improvements that will serve ECC and Maret sports field,  
8 improvements that could be embraced and supported by us on  
9 the east side of the field whose properties border the  
10 Episcopal Center and by the entire neighborhood.

11           If I have any more time, I'd like to just make one  
12 more remark about Jon Axelrod's remark as to the different  
13 blocks who would be represented if this field is built. You  
14 heard him say that there was a unilateral change made to one  
15 of the proposed conditions.

16           The condition was that all four sides of the  
17 field, Utah, Nebraska, Rittenhouse, and 28th, would have a  
18 representative chosen from the street, by the neighbors, to  
19 represent that street in managing and dealing with the  
20 development with Maret and with the Episcopal Center if the  
21 field or fields are built. That proposal was changed to  
22 disenfranchise the neighbors for whom I am speaking. And I  
23 wanted to just make that remark because it's not right.  
24 Thank you for your time.

25           BZA CHAIR HILL: Okay. Thank you, Ms. Voisin.

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1 Let's see, thank you for your testimony. Is it Fisher?

2 MR. FISHER: Yes, it is.

3 BZA CHAIR HILL: Oh, great. Mr. Fisher, could you  
4 please introduce yourself for the record? And then you'll  
5 have three minutes to give your testimony. And you can begin  
6 whenever you like.

7 MR. FISHER: Sure. Good afternoon. My name is  
8 Paul Fisher. And I live at 5935 Utah Avenue Northwest,  
9 adjacent to the Utah Avenue alley which abuts the ECC  
10 property. I will be able to look down from my office window  
11 at the football goal post if this sports complex is approved.  
12 The goal post is directly across my property line about 12  
13 feet from the ECC property line.

14 Before I speak about the personal effects this  
15 project will have on my family and me, I would like to touch  
16 on a fact which I believe the proponents of this sports  
17 complex are misrepresenting. This is the claim that there  
18 is not enough field space for use in the city. This is a  
19 claim that keeps being repeated, and no one seems to be able  
20 to present any evidence that establishes a factual basis for  
21 it.

22 Over the last decade, there have been many  
23 projects which could have had field space added to them.  
24 Walter Reed is but the latest example. Yet the city does  
25 not. If the city were to make all DCPS fields available,

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1 there would be a ton of field space available. But again,  
2 it does not.

3           These two facts demonstrate that there really is  
4 not a lack of field space in the District but rather that  
5 field space for private schools is a low priority for the  
6 city council that represents the District as a whole. A  
7 single neighborhood zoned 4-1-B should not have to endure  
8 objectionable conditions in order to advance a private  
9 party's priority that is not a priority for the District.

10           As has already been stated, there will be extreme  
11 annoyance on my property from commercial noise above 60  
12 decibels. And I will skip what's been said earlier to, you  
13 know, to advance the program slightly. I'm extremely  
14 concerned that Maret is not guaranteeing that they'll have  
15 seating for all of the spectators. They estimate at some  
16 games they could have up to 300 folks watching. If these  
17 folks are allowed to stand all around the field, the crowd  
18 noise will be magnified in all directions. This will impact  
19 all the direct neighbors of the property as well as myself.

20           I fully support the Friend's one field proposal,  
21 but in the event that the special exception is approved, I'd  
22 like to request that it be mandated that Maret provide  
23 bleacher seating for all spectators at all events so that  
24 this way the noise could be -- they could measure the noise  
25 with noise consultants and actually aim the noise in specific

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1 directions versus having people stand all around the field  
2 making noise in all directions.

3           Their latest plan said that they were only going  
4 to have 70 bleacher seats. And they have claimed that some  
5 games will have upwards of 300 people attending as  
6 spectators.

7           Finally, I'd like to touch on the continuing  
8 stated fact that ECC should reopen. Now, it may have been  
9 the finest educational program for special needs kids in  
10 existence. I'm not doubting that. But there are only two  
11 items that have been proven. One is that the ECC does not  
12 have a sustainable business model. And two, the cost, there  
13 is a limit to the amount of money that the city will pay to  
14 educate special needs students. Neither of these facts has  
15 changed since the ECC's 2019 closure.

16           I have personally asked numerous times to see the  
17 lease between ECC and Maret. They have declined to present  
18 it which may be their right. However, without this  
19 information I have not been able to determine how this lease  
20 can give ECC enough cash to remain solvent. There is a  
21 serious risk that down the road the ECC will still become  
22 defunct. This will have dual ramifications.

23           The first being that my neighbors and I will have  
24 been sold adverse conditions for no purpose other than  
25 increasing Maret's coffers. The second being that ECC's

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1 future downfall and Maret's departure could leave the field  
2 in an irremediable state and full of toxic chemicals. ECC  
3 has let their facilities fall into disrepair before, even  
4 purposefully disregarding BZA orders. Thank you for your  
5 time.

6 BZA CHAIR HILL: Thank you, Mr. Fisher. Thank you  
7 for your testimony.

8 Is it Maybok, Maybok? Oh, Rebecca Maydak?

9 MS. MAYDAK: Can you hear me?

10 BZA CHAIR HILL: Yes. Can you --

11 MS. MAYDAK: Okay, yes. I was clicking the  
12 button, and it wasn't working.

13 BZA CHAIR HILL: That's all right. Can you  
14 introduce yourself for the record?

15 MS. MAYDAK: Yes. I'm Rebecca Maydak. I live at  
16 5900 Utah Avenue Northwest. That's right on the corner of  
17 Utah and Nebraska.

18 BZA CHAIR HILL: Okay, Ms. Maydak, you'll have  
19 three minutes to give your testimony. You can begin whenever  
20 you like.

21 MS. MAYDAK: Yes. I just want to say with all the  
22 ANC commissioners that aren't in our ANC wing, and I'd like  
23 to say I was the ANC commissioner in this ANC for seven  
24 years. I chose not to run, so I haven't been in ANC for just  
25 over a year. But the other ANC Commissioners, I respect

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1 their opinion, but they don't represent the constituents  
2 here. So I don't think they should be given great weight,  
3 because they don't represent the constituents in this --

4 BZA CHAIR HILL: They are given great weight,  
5 Commissioner, and you're still a commissioner. So they were  
6 just testifying on their own.

7 MS. MAYDAK: Okay. So this discussion seems to  
8 be implying that if a person is not in support of the plan  
9 for Maret to have these fields the way they propose, that  
10 you're against the ECC. I just want to say I've lived here  
11 22 years. I got to know some of the kids, because I'd walk  
12 around the neighborhood. And when I had a medical injury I'd  
13 engage with them.

14 I'm known in the neighborhood for my Halloween  
15 house. The ECC kids would come and trick or treat. And the  
16 parents would say, I'm sorry we don't live here, but my child  
17 goes to the school and gives me an update. Because it would  
18 take me about two weeks to get my decorations up. And I'm,  
19 like, if your child goes to the school you're part of my  
20 community. And they were always welcome.

21 I totally support the ECC. What I don't support  
22 is Maret having a money making proposition here. I don't  
23 think anybody, I should only speak for myself, I don't mind  
24 Maret using the field. What I mind is, like, one person said  
25 they belong to DC Soccer. They have 9,000, according to the

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1 website, 9,000 players for DC Soccer. If they start playing  
2 on our fields, how are we going to -- how is our  
3 infrastructure going to support that many people coming? If  
4 you've ever been to a DC Soccer game, their rival games can  
5 get really, really large with large crowds.

6           So I think that should be restricted. I don't  
7 think this exception should be allowed if that's one of the  
8 things that Maret should do. Because I think the big  
9 elephant in the room is the subleasing of the fields by large  
10 sporting organizations, right?

11           And then I just want to -- a lot of the things I  
12 want to say have been said. So I'm just going to reiterate  
13 Mr. McNeil's (inaudible) thing. I would like the Commission  
14 to imagine for a minute that your house shares a property  
15 line with the proposed field. It's a beautiful day, not like  
16 today, sunny, 80 degrees, you're out for a glass of wine, or  
17 your little cocktail, your brandy, whatever, you're going to  
18 grill some steaks. And you want to enjoy your backyard.

19           But also seven days a week, not only do we have  
20 Maret, which is fine, that wouldn't be seven days a week, but  
21 they're releasing, and they're leasing out all this property.  
22 You might have a DC Soccer practice, you might have another  
23 large sporting organization. How are you going to even enjoy  
24 your backyard and your quality of life? It's not going to  
25 happen. You're going to have people in the sidelines

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1 shouting encouragement to the players and everything else.  
2 I just want you to be aware that I don't think anywhere else  
3 in the city that many houses share the property line with a  
4 field. So I'm asking you not to grant the proposal.

5           But I want to mention one other thing. Our  
6 neighborhood has Blessed Sacrament within a half mile, they  
7 have fields and athletic facilities. We have Lafayette  
8 Elementary School and Lafayette-Pointer Park. They have a  
9 baseball field and a sporting field. And they have a park  
10 that has a big open field. And we have St. John's High  
11 School College. How many sporting facilities is a half-mile  
12 supposed to maintain or support? And I think the impact's  
13 going to be irreversible.

14           BZA CHAIR HILL: Okay, thanks, Commissioner. All  
15 right, thank you for your testimony.

16           Raybom, oh, Rambom?

17           MR. RAMBOM: Rambom, Sheppard Rambom.

18           BZA CHAIR HILL: Okay, great. You will have three  
19 minutes to give your testimony, sir, and you can begin  
20 whenever you like.

21           MR. RAMBOM: I don't need all three minutes. So  
22 I live at 6008 Utah Avenue Northwest. And I'm not one of the  
23 people that's on the contiguous part of where the field will  
24 run. It doesn't back up to my house. I have no friends on  
25 that side of the field. But I have been watching this

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1 process. And I feel like the voices of the people from that  
2 neighborhood haven't really been well heard by the ANC and  
3 by others. And I'm glad that we have this opportunity to  
4 really provide some information to you today.

5 I feel like the ANC report, through no fault of  
6 the ANC, but they swear an oath to the city itself. So the  
7 concerns that they had are about filling the soccer fields,  
8 finding a way to replace the problem with Jelleff that the  
9 school has to move, to be able to have Maret have a full  
10 field, to free up other sports fields so that other  
11 elementary schools like Hines Elementary can play at Jelleff,  
12 at the Jelleff field.

13 There's a lot of that stuff that was going on in  
14 the decision of the ANC to sort of -- in their decision about  
15 what to do, because they swore an oath to benefit the most  
16 people in the city or how it benefits the city. And there's  
17 a clear benefit. It says it their document. It's in my  
18 letter to the ANC. I point to the paragraph in the ANC  
19 report which expresses their, I would call it a bias against  
20 the neighbors, oddly enough the ones that we elect.

21 So my concerns are about the commercial use of the  
22 field. There's been a lot that's been said about the  
23 proportion, the fence. And the people, they're concerned  
24 about the building or have a response that it's out of  
25 proportion to a field that's going to benefit a lot of

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1 people. The issue that I have is that the size of the field,  
2 the scope and the footprint of the field is what's out of  
3 proportion.

4 And I also believe that the opponents have  
5 demonstrated, through their presentations which you've seen,  
6 the adverse impact to the community and also that they are  
7 interested in having something happen there, that they would  
8 be willing to have an alternative and that there should be  
9 more work to have that worked out.

10 But there were really very limited negotiations  
11 with Maret to consider getting rid of, you know, they had to  
12 have the baseball field. And my concern is that, you know,  
13 that's what makes it untenable, as far as I'm concerned. So  
14 I appreciate your hearing from me today, and thank you very  
15 much.

16 BZA CHAIR HILL: Thanks, Mr. Rambom. All right,  
17 Mr. Stephens, or Ms. Stephens?

18 MS. STEPHEN: Hi, this is Amy Stephen.

19 BZA CHAIR HILL: Oh, Stephen, okay.

20 MS. STEPHEN: Can you hear me?

21 BZA CHAIR HILL: Yes. If you could introduce  
22 yourself for the record. And you'll have three minutes to  
23 give your testimony. You can begin whenever you like.

24 MS. STEPHEN: Thank you. My name is Amy Stephen.  
25 I am a parent of three MRA alumni, all of whom were athletes.

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1 And I spent many, many, many hours on the fields cheering and  
2 enjoying the sports program at Maret and understanding its  
3 power to build fine adults and fine athletes.

4 That's not in question at all. And I think many  
5 of the people who testified in the last few hours would  
6 agree. We're not against sports. We're not against Maret.  
7 In fact, I dearly love Maret. However, I'm also talking  
8 today as someone who's worked for the last ten years for  
9 Safe, Healthy Playing Fields.

10 Diana Conway spoke earlier, four hours ago. And  
11 for those of you who did not hear her testimony, I just want  
12 to reiterate the fact that the fields that are selected  
13 currently, or the fields that have already been employed by  
14 Maret, are generally synthetic fields. And there's a lot of  
15 strong feelings that it needs to be a synthetic field.

16 However we have compiled, and not just me, about  
17 40 scientists across the country for the last ten years have  
18 contributed an enormous, overwhelming, body of science that  
19 shows that these fields are not healthy for kids and not  
20 healthy for a community.

21 They simply, by virtue of their design, they have  
22 a flaw. And that is that they have synthetic materials on  
23 their surface. And they are ground in and pounded on by  
24 athletes and the breakdown is compounded by being out in sun  
25 and heat/thaw cycles. That particulate is really dangerous.

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1 And it's something that in this new age of environmental  
2 awareness of human health, and plastics, and PFAS, absorption  
3 and exposure for kids, we should all be working together to  
4 minimize that for our communities, for the kids who are on  
5 the field now, but also for those who have to clean it up ten  
6 years from now, or 20 years from now. And let's work  
7 together, let's do that. We can do this together. I  
8 guarantee you.

9           There's a whole nascent industry of new-technology  
10 grass fields. There's science behind the drainage. There's  
11 signage behind minimizing that particulate exposure risk.  
12 And that is the good news. Jil MacNeice talked about a  
13 little bit earlier today. I hope you all can head in that  
14 direction together as this field comes about, make the right  
15 one, be the leaders of this very powerful, wonderful and  
16 dynamic community.

17           I know we can do this. And I know we can create  
18 a win-win. We have proposed giving Maret, whoever wants to,  
19 a full brief on some of these new findings. It's not really  
20 new, but we've summarized a lot of the risks. I don't think  
21 those are well publicized. We don't have a big, huge, you  
22 know, well funded PR campaign. Our scientists are all  
23 volunteers, but they're fantastic. We have --

24           BZA CHAIR HILL: Ms. Stephen, I --

25           MS. STEPHEN: -- members of the CDC --

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1 (Simultaneous Speaking.)

2 BZA CHAIR HILL: You're kind of running over time,  
3 if you can just wrap it up.

4 MS. STEPHEN: Okay. So I just want to encourage  
5 Maret to educate themselves on some of these. And to the  
6 community, I want to offer it from Safe, Healthy Playing  
7 Fields. We're happy to share our information with this Board  
8 or with the community members who want it.

9 BZA CHAIR HILL: Thank you. Thank you, Ms.  
10 Stephens. Ms. Stephens?

11 MS. STEPHEN: Can you hear me.

12 BZA CHAIR HILL: Yes, I did. Thank you very much  
13 for your testimony.

14 MS. STEPHEN: You're very welcome.

15 BZA CHAIR HILL: Mr. Young, how many do we have  
16 left on this group?

17 MR. YOUNG: We have no more. We just have one  
18 person who was underclared.

19 BZA CHAIR HILL: Okay. All right, does anybody  
20 have any questions for the witnesses? And if so, please  
21 speak up.

22 All right, Mr. Young, if you could please excuse  
23 all the witnesses. Thank you, everyone, for your testimony.  
24 And if you can please bring in the undecided witness, and  
25 that person's name when you get a chance, Mr. Young.

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1 (Pause.)

2 MR. YOUNG: It is Meredith Rathbone.

3 BZA CHAIR HILL: Rasbone?

4 MR. YOUNG: Rathbone.

5 BZA CHAIR HILL: Okay, great. Thank you. Ms.  
6 Rathbone, can you hear me?

7 MS. RATHBONE: Yes, I can hear you. Could you  
8 please introduce yourself? And then you'll have three  
9 minutes for your testimony.

10 MS. RATHBONE: Yes. And unfortunately my camera  
11 is not working, I apologize for that, which is a shame. So  
12 my name is Meredith Rathbone. And I live, my family and I  
13 live at 5931 Utah Avenue. And we are next-door neighbors to  
14 the Media Center, the proposed locker room for Maret, and  
15 restroom and locker room for Maret and for third parties five  
16 to seven days a week throughout virtually the entire year.  
17 That building at its closest point is about 20 feet from us  
18 and, you know, we are uniquely affected by all of this, 20  
19 feet from our house I should say, not just from our property.

20 And I'm sorry that my camera is not working,  
21 because I was planning to just show you right out of my  
22 window. It's right --

23 BZA CHAIR HILL: I'm sorry, Ms. Rathbone, you're  
24 not allowed to.

25 MS. RATHBONE: You can imagine how close. But

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1 anyway, you know, we are not in theory opposed to a lot of  
2 this. We do have many of the same concerns as our neighbors  
3 regarding frequency of use and things like that. But I want  
4 to talk to you about the concerns specifically as they relate  
5 to our property.

6           And, you know, I will say most of the concerns  
7 that we have, we've raised them with Maret. And most of them  
8 Maret has agreed to mitigate, which is great. We're happy  
9 about that. But the one significant concern that we still  
10 have outstanding is the most significant concern. And that  
11 is the fact that the location of the entrance to that  
12 building, the locker room and the restroom entrance, is  
13 proposed to be right outside of our house on the part of that  
14 building towards Utah Avenue that is right outside of our  
15 house.

16           It was not originally proposed to be there, but  
17 Maret has recently proposed moving it there. And they have  
18 suggested some proposed mitigation with respect to that  
19 location. They've said they want to have it in that location  
20 but allow entrance only from the Nebraska side and put up  
21 kind of a fence.

22           But that's just not going to be sufficient to  
23 keep, you know, the noise and the foot traffic right outside  
24 out door, you know, away from our house, including from not  
25 just the first floor which things would partially be blocked

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1 by the fence, but from the second and third floor. We've got  
2 three bedrooms, we've got a kitchen, we've got a dining room,  
3 we have the office where I work from home.

4           And, you know, the good news is there's a simple  
5 solution which is to move the door back to the other side of  
6 the building towards the field where it was originally  
7 proposed. And we very much hope that Maret will do that.

8           I will say that this building, when it was  
9 approved by the DCA 20 years ago, there was significant  
10 discussion at that time regarding the impact on the nearest  
11 neighbors. It's in the transcripts. And the D.C. Office of  
12 Planning then noted that it would not generate any additional  
13 foot traffic. And it's said that it must not tend to  
14 adversely affect the use of the neighboring property.

15           And the BZA summary order reflected that as well.  
16 And, you know, the BZA's deliberation specifically addressed  
17 the intended use and the mitigations when it made the  
18 decision to allow that building to be built so close to our  
19 property line and our house.

20           And, you know, the fact that the building was  
21 there and the entrance location is so near our house, you  
22 know, that's acceptable, I think, for ECC's use of it, they  
23 have not so many students, and they're all there to  
24 supervised during the day, and it's during school hours. But  
25 that doesn't mean that its acceptable from my perspective

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1 for this new proposed use which is a sea change in proposed  
2 use. It's just so much more use than what is currently  
3 there.

4 BZA CHAIR HILL: Okay, Ms. Rathbone.

5 (Simultaneous Speaking.)

6 MS. RATHBONE: Are you 5860 Nebraska, is that what  
7 you said, 5860 Nebraska, is that what you said.

8 MS. STEPHEN: No, 5931 Utah. We are the closest  
9 neighbors to ECC. We are right next to the restroom and  
10 locker room building.

11 BZA CHAIR HILL: That's there now?

12 MS. RATHBONE: That's there now. And that's is  
13 right now a media center for ECC. That's what it was built  
14 for, and that's the building that Maret is planning to use  
15 as a locker room for their students and as a restroom for --

16 BZA CHAIR HILL: I got you. Okay, I understand.

17 MS. RATHBONE: -- all the third parties that are  
18 leasing it, for visitors to the games, for everybody --

19 BZA CHAIR HILL: Okay.

20 MS. RATHBONE: -- who comes to on the space. And,  
21 you know, I'll just say kids or exuberant, and they're loud,  
22 and they should be. And it's not a library, it's --

23 BZA CHAIR HILL: I got you, that's relevant. I'm  
24 sorry, your running out of time here, but --

25 MS. RATHBONE: But I'll just say quickly that, you

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1 know, what we're hearing from our house is not kind of, you  
2 know, happy noise from over on the field, we'll hear that as  
3 well, but very close proximity sounds. When people are out  
4 there right now, I can hear them. I can hear the words they  
5 say.

6           And I would like the BZA to please require that  
7 this entrance be moved back over to the other side of the  
8 building where it was originally proposed and that the other,  
9 you know, mostly fencing and landscaping mitigation that  
10 Maret has agreed to is also included in the order. Thanks.

11           BZA CHAIR HILL: Okay. Thanks, Ms. Rathbone. You  
12 said the fencing and the what?

13           MS. RATHBONE: It's mainly just, apart from moving  
14 that over, it's mainly just fencing and landscaping, like  
15 trees, to kind of buffer the visual and the sound.

16           BZA CHAIR HILL: All right. Thanks, Ms. Rathbone.

17           MS. RATHBONE: And by the way, I've never done  
18 this before. I don't know how to get that to you. But we've  
19 agreed again with Maret on most of that. And I'm happy to  
20 some how send that through to you so that you can see what  
21 it is that we've discussed with them. But what the --

22           BZA CHAIR HILL: You've agreed with Maret on what?

23           MS. RATHBONE: We have agreed with Maret on most  
24 of these litigations, the fencing, and the landscaping.

25           BZA CHAIR HILL: You personally have agreed,

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1 correct?

2 MS. RATHBONE: Yes. Yes, our family has spoken  
3 to Maret about this quite a bit.

4 BZA CHAIR HILL: Okay.

5 MS. RATHBONE: And we've managed to agree on most  
6 things --

7 BZA CHAIR HILL: Okay, Ms. Rathbone, just give me  
8 a second. Give me a second, okay. I'm sorry to cut you off.  
9 I'm just getting tired. I'm running on, like, nine hours  
10 now, so I'm starting to -- just give me one minute, okay, Ms.  
11 Rathbone?

12 MS. RATHBONE: No, go ahead.

13 BZA CHAIR HILL: Okay. Does anybody have any --  
14 I don't want to lose Ms. Rathbone, does anybody have any  
15 questions of any of the witnesses from the Board? Okay.

16 If you could, okay, so now we can just come back  
17 to you. So, Ms. Rathbone, you said that you have an  
18 agreement or you started to have an agreement with Maret?

19 MS. RATHBONE: Yes. So we've met with Maret.  
20 They've come to our place, and we've walked through and, you  
21 know, talked about our concerns and have, not a written, not  
22 a formal written agreement but --

23 BZA CHAIR HILL: I understand. Who did you talk  
24 to at Maret?

25 MS. RATHBONE: With Marjo and Trey.

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1 BZA CHAIR HILL: Okay, I don't have that, give me  
2 a second.

3 Mr. Tummonds, can you hear me?

4 MR. TUMMONDS: Yes, we can. And Mr. Holloway is  
5 here to address the discussions that have occurred.

6 BZA CHAIR HILL: That's okay. I just want to know  
7 do you have --

8 (Simultaneous Speaking.)

9 BZA CHAIR HILL: -- do you have Ms. Rathbone's  
10 contact information?

11 MR. TUMMONDS: Oh, there's been lots of  
12 conversations with Ms. Rathbone.

13 BZA CHAIR HILL: Okay, so you do have it. Okay.  
14 That's all I need to know at this point.

15 Okay, Ms. Rathbone, thank you so much. And thank  
16 you everyone for your testimony. I'm going to excuse  
17 everyone from the hearing room. And, Mr. Tummonds, if you  
18 can turn back on your camera for me. And I have Mr. Donohue.  
19 I still have the Commissioners or no? Did I lose the  
20 Commissioners? Oh, I got -- Commissioner Speck I've still  
21 got. Okay.

22 So what is supposed to happen now is there's  
23 supposed to be, thanks (inaudible), so I do have a bunch of  
24 questions, unfortunately. And I don't know where my fellow  
25 Board members are. But now what happens is there is rebuttal

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1 that Mr. Tummonds will be able to give. And then Mr. Donohue  
2 will be able to ask questions only on rebuttal. This isn't  
3 again, Mr. Donohue, as you know, to create more testimony.  
4 You're asking questions on the rebuttal.

5           And I might have some questions of everybody, but  
6 I kind of want to get through a couple of things first. And  
7 me and my fellow Board members do as well. I hate to do  
8 this, I suggest another quick five minute break, because I  
9 want to talk to Mr. Moy to see about our next two cases and  
10 what's going to happen, right. Because I don't think -- I  
11 definitely know our third -- I know our last case isn't going  
12 to happen. And so I've got to figure out what's going to  
13 happen. And I'm going to -- anyway, give me five minutes,  
14 okay. So let's take five minutes, and we'll be back. Thank  
15 you.

16           (Whereupon, the above-entitled matter went off the  
17 record at 5:54 p.m. and resumed at 6:07 p.m.)

18           BZA CHAIR HILL: Okay. All right. So let's see.  
19 Mr. Tummonds, I'm going to go ahead and let you do a  
20 rebuttal.

21           MR. TUMMONDS: Okay. Are you ready? Thank you,  
22 sir. Thank you very much.

23           As is the normal standard, we will just make a few  
24 pointed responses in our rebuttal and then move on to any  
25 questions that you may have so we can wrap this up. And we

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1 really appreciate the time, energy, and diligence that you've  
2 spent here today.

3           First, I would like to address the discussion  
4 regarding the use of whistles or the horns and whether or not  
5 the shot clock horn and whistles on the athletic fields would  
6 rise to the level of a noise disturbance as defined in the  
7 DCMR Section 20-2799, the D.C. noise regulations.

8           It was discussed that a noise disturbance is any  
9 sound which is loud or raucous or loud and unseemly and  
10 unreasonably disturbs the peace and quiet of a reasonable  
11 person of ordinary sensibilities.

12           What was also part of that definition is the  
13 following. It says in making a determination of a noise  
14 disturbance, the mayor, the executive, or the administration  
15 shall consider the location, the time of day when the noise  
16 is occurring or will occur, and the duration of the noise.

17           Based on that definition, we do not believe that  
18 a whistle or an intermittent shot clock noise, horn, that may  
19 occur only in lacrosse games rises to the level of a noise  
20 disturbance.

21           The second issue we'd like to address and the  
22 third and the fourth will be addressed by Mr. Holloway. And  
23 I'll now ask him to present his testimony.

24           MR. HOLLOWAY: Thank you. So I will start with  
25 the media center. And I will just like to note that the

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1 Maret team, Marjo, myself, some of our consultants happened  
2 in Ms. Rathbone's home twice and walked the alley with her  
3 and husband. We'd sit in her backyard.

4 I do want to emphasize to your point, Chairman  
5 Hill, the media center is an existing building, and the door  
6 that we're proposing to use is an existing door that was  
7 built when the building was built.

8 As Ms. Rathbone said, we've agreed to a number of  
9 concessions with her in terms of screening and do fencing on  
10 the property. So we feel that we've worked in good faith  
11 with them and are just using the existing building and the  
12 existing door that's already there.

13 Next I'd like to talk about turf. I know we heard  
14 a lot from folks about turf and safety. And as a school,  
15 it's certainly important to us that safety is top of mind.  
16 But I would like to point out in the ANC resolution on page  
17 14, paragraphs 45 through 48, it really addresses this matter  
18 head on. I won't read it word for word, but I'd like to note  
19 a few items.

20 This section notes that the community concerns  
21 were largely resolved in an email from the Friends of the  
22 Field, many of which are folks you've heard from tonight.  
23 Their memo in an email stated that replacing recycled rubber  
24 tire elements with natural-based infill, such as a wood-based  
25 material, would be acceptable to them. And I would say even

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1 the word replacing is a little bit inaccurate because we  
2 never proposed a rubber-based infill. So we felt and feel  
3 that that issue was settled.

4 But the ANC did a lot of research on behalf of the  
5 neighborhood, obtained information on different types of  
6 infill, in particular, the natural infill that we've always  
7 proposed. The ANC's report notes that these materials  
8 significantly reduce field temperatures when compared to the  
9 rubber tire infill. So we feel good about using that  
10 material.

11 Regarding the differences between natural grass  
12 and synthetic turf, the ANC also did more research on behalf  
13 of the neighborhood, reached out to a neighbor who had some  
14 expertise in environmental analysis.

15 And they noted in their report that natural grass  
16 could be workable for a time, but that ultimately that grass  
17 compacts. And that takes its toll. It leads to difficulty  
18 in growing grass. And it limits the ability of water to  
19 infiltrate into the dirt and the grass. This leads to  
20 additional stormwater runoff.

21 When you compare that to our proposal, which  
22 includes a permeable underlayer to detain rainwater, we do  
23 a much better job with the synthetic turf taking that water  
24 runoff and depositing it where it's supposed to be.

25 And lastly, natural grass requires extensive

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1 fertilization and water. That water is best left in the  
2 river. This was all noted by a neighbor that lives on Oliver  
3 Street, one block from the home, who does not share the  
4 concerns about a synthetic field.

5 I would like to discuss the limited use by third  
6 parties of the field that we're proposing. Whether it's a  
7 youth baseball league, youth soccer league, or another youth  
8 sports league, there is a strong need in the city for  
9 multipurpose fields, in particular baseball diamonds. There  
10 are only 2 90-foot baseball diamonds in Northwest D.C. So,  
11 when those youth baseball leagues need somewhere to play,  
12 it's a scramble for them.

13 We have a good, long history of working with users  
14 to rent the field behind our school buildings. These  
15 relationships are long and strong. And we certainly have  
16 rules for them. And I have no problem enforcing those rules.  
17 I am personally in charge of enforcing those rules with  
18 anyone who uses our field, And I have not had any problem  
19 telling someone if they don't abide by those rules they  
20 cannot use our field. The same would hold true if we had  
21 lessees at the new proposed space at the Episcopal Center.

22 Since the meeting in September when we first  
23 presented our plan to the ANC, we've noted that we expect  
24 third-party users to be youth sports leagues, not adult beer  
25 leagues, not jamborees, as some have insinuated in their

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1 testimony.

2 I will also note the in the ANC resolution on page  
3 20, condition 3a, it says the following. Maret shall only  
4 be permitted to lease the fields to youth sports  
5 organizations based in the District of Columbia. So we're  
6 committed to that. There is not going to be, as I said,  
7 adult beer leagues or anything that is not a D.C.-based youth  
8 sports league that would use the field.

9 The last issue that I want to talk about is  
10 alternative design. I know the Friends group has presented  
11 what they think to be a workable solution for everyone. We  
12 have noted in our earlier testimony that we need a baseball  
13 diamond, we need a multipurpose field.

14 But our team did look at lots of options for this  
15 site. We looked at a number of different configurations.  
16 And the Friends put some sketches out there. But you can do  
17 lots of sketches. But until you stress test those, you  
18 cannot get a clean picture of a plan's feasibility.

19 For example, the second scheme that the Friends  
20 put up in their presentation encroaches on the brink of  
21 heritage trees that are existing on the site. You have to  
22 protect those heritage trees. So that site automatically is  
23 non-viable.

24 So our team has done work to stress test how you  
25 can actually put the field onto the site, protect the healthy

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1 heritage trees, and meet all of the setback requirements that  
2 we have. I will --

3 MR. TUMMONDS: That concludes our rebuttal  
4 testimony.

5 BZA CHAIR HILL: Okay. Thanks. Mr. Donohue, do  
6 you have any questions about the rebuttal?

7 MR. DONOHUE: No, sir.

8 BZA CHAIR HILL: Okay. All right. So now I got  
9 -- I'm going to let Mr. Donohue have a conclusion, as well  
10 as Mr. Tummonds. Mr. Tummonds will get the last word. But  
11 I do have a bunch of questions for after we've done all this  
12 stuff. And so I'm going to try to do this I guess in a  
13 couple of ways.

14 Mr. Tummonds, you guys -- so I am interested in  
15 seeing -- we're going to get some information from you,  
16 right? And so I am interested in seeing the MOU, whatever  
17 you end up trying to put together. Okay? Did you have a  
18 construction management plan of some kind? I forget.

19 MR. TUMMONDS: Yeah, if you look at the last,  
20 starting in the conditions of the ANC resolution, starting  
21 on page 12 of the Commission's resolution, it is section  
22 number 5, communication concerning construction activity and  
23 management of construction --

24 BZA CHAIR HILL: Give me a second. Are you in the  
25 ANC's report?

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1 MR. TUMMONDS: Yes. So I'm sorry. They had two,  
2 there's two sets of numbers. There's the first sets of  
3 numbers which are for the resolution, which go pages 1  
4 through 16 I believe. Yes. And then starting on what would  
5 be page 17 is the attachment to the resolution. And those  
6 are the proposed conditions.

7 BZA CHAIR HILL: Okay. Can you -- you were going  
8 to read something.

9 MR. TUMMONDS: Okay. What I'm going to tell you  
10 is that there are 12 pages of construction management-related  
11 conditions in the ANC resolution. And --

12 BZA CHAIR HILL: Okay, okay. So those are --  
13 right. So you're going to put those in the MOU I guess for  
14 us to kind of look at together in one area?

15 MR. TUMMONDS: Yes.

16 BZA CHAIR HILL: Okay. And then what happened to  
17 the whole like a task force thing with the people from the  
18 different streets?

19 MR. TUMMONDS: Right. So, first of all, the task  
20 force was always intended to be just as really part of the  
21 construction management plan. That's -- it was to help guide  
22 and disseminate information about construction-related  
23 activity that was going to incur during the periods of  
24 construction.

25 I think we wanted to make sure that that was going

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1 to be a viable and workable group. And we proposed to the  
2 ANC that it should consist of ANC members. And the ANC then  
3 came up with who they believed would be part of a workable  
4 group that would achieve the goals of the task force, which  
5 is really a construction management task force.

6 BZA CHAIR HILL: Okay. And that's in the -- and  
7 I'm trying to pull up this thing again.

8 MR. TUMMONDS: Sure. Yes. The -- who is  
9 participants in the --

10 BZA CHAIR HILL: Which exhibit are you in again?  
11 Can you tell me?

12 MR. TUMMONDS: So this would be the ANC  
13 resolution. So off the top of my head what exhibit number  
14 that is, I'll get that checked.

15 BZA CHAIR HILL: I have so many files open now.  
16 And that echo is not annoying at all.

17 MR. TUMMONDS: Exhibit 233 is the ANC resolution.  
18 And so, if you went to the fourth to last page of that  
19 document, it should refer to itself as page 18.

20 BZA CHAIR HILL: Got it.

21 MR. TUMMONDS: At the top, A, ANC 3/4G shall pick  
22 a Maret project task force.

23 BZA CHAIR HILL: Okay. Got it. All right. So  
24 all of these again are going to be in the MOU that you're  
25 going to put together for us. Is that correct?

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1 MR. TUMMONDS: Correct.

2 BZA CHAIR HILL: Okay. Because that will be an  
3 easier place to look at it. Okay. Let's see, construction  
4 management plan.

5 And then if you could submit whatever you have  
6 about -- and I'll let all my fellow Board members also ask  
7 their questions. If you can, submit something about Ms.  
8 Rathbone's discussion and something that at least makes it  
9 easier for us to understand the situation. I understand that  
10 building was there before. I understand that door was there  
11 before. But just something that explains what you all have  
12 agreed to or what you think you're agreeing to.

13 MR. TUMMONDS: Absolutely.

14 BZA CHAIR HILL: The question that I have again  
15 was for why you needed the baseball diamond. And one  
16 explanation that I've been given thus far was in the  
17 rebuttal. And it was that there's not a lot of baseball  
18 diamonds in the city was one portion of it. But could you  
19 elaborate a little bit more as to how the school got to where  
20 they need the baseball diamond?

21 MR. HOLLOWAY: Sure. So we have a varsity  
22 baseball team, of course. And they need somewhere to play.  
23 They currently practice and play at Jelleff. We have -- I'm  
24 sure you know. We have an agreement there where our kids can  
25 go there to play and we can play games, but that does run

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1 out. At that point, we do need somewhere for our baseball  
2 team to play. So it's a programmatic need for us.

3 MS. TALBOTT: And we've had baseball for many,  
4 many years. Many schools have the problem of not being able  
5 to find baseball diamonds. We have used the leasing fields  
6 that was referred to before by the Commissioner. We were  
7 great partners with that and supported that field as well in  
8 Southeast. So we have had to kind of rotate around the city  
9 looking for baseball diamonds. This --

10 BZA CHAIR HILL: I'm sorry to interrupt. The  
11 netting is there because of the baseball field, correct?

12 MR. HOLLOWAY: No, it's soccer and potentially  
13 lacrosse. You know, the distance from home plate to the  
14 netting like at Rittenhouse is 440 feet. So it's not  
15 necessarily for baseball.

16 BZA CHAIR HILL: Okay. But still, the height of  
17 it would be more or less kind of for baseball. I'm just  
18 trying to get a sense of this. It's not that height because  
19 of soccer.

20 MR. HOLLOWAY: Yeah, I mean, given that we're  
21 going to have baseball, lacrosse, and soccer all there, I  
22 mean, any one of those balls could make their way out of the  
23 playing area. So that's what the netting is for.

24 BZA CHAIR HILL: Okay. This is not a money-making  
25 proposition for Maret, right. Like I mean, I don't see --

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1 you guys are not doing this in order to make money. I mean,  
2 that's not what the school is there for. Can you clarify the  
3 costs involved and how that would play out in terms of people  
4 using the field?

5 MR. HOLLOWAY: Sure. The limited use by third  
6 parties that we talked about would really only cover a small  
7 portion of the annual cost of upkeep for this field.

8 When you talk about the lease payments to the ECC,  
9 as well as maintenance on the landscape upbringing that we're  
10 putting in place, maintenance of a synthetic turf field,  
11 repairs that need to be done on netting on the site, I mean,  
12 there's any number of things that need to be done, any lease  
13 payments would merely offset a portion of our annual costs.

14 BZA CHAIR HILL: Okay. So the -- or I should say  
15 the ability to use the field is something that Maret is  
16 thinking is a benefit for the community on the whole. Is  
17 that correct?

18 MS. TALBOTT: Absolutely. And our field at the  
19 Woodley campus, we offer it to DC Soccer and many other  
20 places because there's not enough field space in the city.  
21 It is totally, mainly to benefit the greater community.  
22 We've also kept the field open to our neighbors and the  
23 community so that they don't have to go other places to go  
24 do a pickup Frisbee match.

25 BZA CHAIR HILL: Okay. And I think, Mr. Tummonds,

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1 also Chairman Hood was interested in some clarification on  
2 your opinion to the letter that was provided from OAG.

3 MR. TUMMONDS: That's correct.

4 BZA CHAIR HILL: Okay --

5 (Simultaneous speaking.)

6 MR. TUMMONDS: -- to it, also provide the  
7 information that Commissioner Hood requested with regards to  
8 the Dwight Mosley Field. And we have that information.

9 BZA CHAIR HILL: Okay. Mr. Tummonds, can you give  
10 me an idea as to what things you all have already, what's the  
11 word, helped out with, like, you know, negotiating with the  
12 community in terms of like a back and forth? Like what have  
13 you given up to get to where you are right now? And I  
14 apologize, because that delay is just throwing me. So do you  
15 understand my question?

16 MR. TUMMONDS: Okay. Yeah, I think to point to  
17 Mr. Holloway's testimony at the beginning, you may remember  
18 that one of the first site plans he presented included all  
19 these red boxes that went all the way around the field. And  
20 we talked about the changes that have been made to the field  
21 in response to comments and questions and concerns that we  
22 have heard from. So we think that is a good indication of  
23 all the stuff we've done.

24 It was a little tough to see. But then in our  
25 statement as well, in our PowerPoint presentation, we've

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1 broken that down. There are some other slides that group  
2 those changes we've made under larger headings like intensity  
3 of use, stormwater management site design.

4 BZA CHAIR HILL: Where do you see -- I am -- thank  
5 you. That was six hours ago --

6 MR. TUMMONDS: Yeah.

7 BZA CHAIR HILL: -- that I'm looking at this  
8 slide. But now I'm back to this. Is there another --

9 MR. TUMMONDS: Yeah, slides 14 and 15.

10 BZA CHAIR HILL: In addition to 7.

11 MR. TUMMONDS: Correct.

12 BZA CHAIR HILL: When you submit something to the  
13 record again, can you submit 7, 14, you know, slide 7, and  
14 what did you say, 14 and 17?

15 MR. TUMMONDS: 14 and 15.

16 BZA CHAIR HILL: 14 and 15. I would like to see  
17 a summary as to what you guys have already worked with with  
18 the community.

19 MR. HOLLOWAY: Chairman Hill, I'm going to try  
20 thing to try to fix that echo. So just bear with us for a  
21 second. Okay. Can you hear us?

22 BZA CHAIR HILL: I can hear you.

23 MR. HOLLOWAY: Are you --

24 BZA CHAIR HILL: Oh --

25 MR. HOLLOWAY: -- echo still?

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1 BZA CHAIR HILL: Can you hear me?

2 MR. HOLLOWAY: Yes.

3 BZA CHAIR HILL: Oh, wow, that's gone. Oh my  
4 gosh, it was awful.

5 MR. HOLLOWAY: I'm a tech wizard.

6 BZA CHAIR HILL: I was literally like -- it was  
7 the most distracting thing, anyway. Well, at least my fellow  
8 Board members now won't have to suffer through it when  
9 they're asking their questions. I had hoped that -- they'll  
10 think that I'm -- okay. All right.

11 Okay. Sorry. Give me one second, and then I'll  
12 turn it over to my Board members. All right. I think that  
13 was it for me in terms of questions. Oh, I did have one  
14 question for Mr. Donohue. Mr. Donohue, can you hear me?

15 MR. DONOHUE: Yes, sir.

16 BZA CHAIR HILL: So you've been working with this,  
17 your client for a little while now?

18 MR. DONOHUE: Yeah, since November.

19 BZA CHAIR HILL: Okay. So did you get an idea as  
20 to what other things your client might -- because, again,  
21 what has been -- I'm just curious. This is a question as to  
22 what other things your client might have thought was going  
23 to happen with that, you know, what other things the Friends  
24 of the Field might have like to see there rather than what  
25 is currently being proposed.

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1 I mean, I understand the one field. But there are  
2 a variety or a multitude of other things that could happen  
3 to that property. Do you know if they had thought of other  
4 things?

5 MR. DONOHUE: Well, let's talk about the Friends'  
6 proposal for a moment, Mr. Chair, because seven hours in was  
7 the first time we've had any engagement on the Friends'  
8 suggestion about what could be an acceptable offer. You  
9 know, we had a detailed discussion about the one field, grass  
10 only, per the limitations on the use. And we had no  
11 questions from the Applicant. We got no engagement on that  
12 at all.

13 BZA CHAIR HILL: No, I'm sorry, Mr. Donohue. My  
14 question was -- forget about The Maret School. Like did, had  
15 they thought of other things that might happen to that  
16 property? That was my question to you.

17 MR. DONOHUE: Had they thought about what might  
18 happen to the ECC --

19 BZA CHAIR HILL: Yeah, if The Maret School wasn't  
20 here, if this proposal wasn't on the table, what had they  
21 thought might be an acceptable solution to that property?  
22 And I can ask the ANC commissioners. They might know also.  
23 But you know --

24 MR. DONOHUE: If you want to know what the Friends  
25 thinks about it, we should ask the Friends. But we didn't

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1 have that conversation.

2 BZA CHAIR HILL: Okay. Mr. Sherman, can you hear  
3 me?

4 MR. SHERMAN: Sorry. I couldn't find my mute.  
5 It was hidden. Yes, I can hear you. Yes, I can.

6 BZA CHAIR HILL: So my question was, forget about  
7 The Maret School, like, you know, what other things -- I  
8 mean, it's a big piece of property.

9 MR. SHERMAN: Right.

10 BZA CHAIR HILL: And you guys know, like what  
11 other things did you think or had hoped, the Friends had  
12 hoped was going to happen with that property?

13 MR. SHERMAN: Well, you have to understand, again,  
14 going back to the question I think you had asked or one of  
15 the Board members had asked about when we first got involved,  
16 as I believe Commissioner Speck mentioned or someone else  
17 mentioned, DCPS was interested in the property. They wanted  
18 to purchase it, not lease it. So ECC decided not to engage  
19 DCPS. There's a history there. But we were not at the time  
20 that was happening, as neighborhood residents, aware of those  
21 conversations. And we were not involved.

22 There were other options. Mr. Simons of ECC  
23 mentioned that they had a number of suitors, people calling  
24 them, developers and others.

25 Keeping in mind that this is zoned residential

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1 right now, this is what the special exception is for, right.  
2 It's zoned residential --

3 BZA CHAIR HILL: Okay. That's all right. So you  
4 have, this is the only thing that was on the table that you  
5 guys had thought about, because this is what's on the table  
6 that you have to consider.

7 MR. SHERMAN: Well, nobody was floating another  
8 offer or another suggestion by us to say, hey, let's see if  
9 we can do this.

10 BZA CHAIR HILL: All right. Okay.

11 MR. SHERMAN: But let me say this. One thing that  
12 has concerned us is that a number of people have raised the  
13 specter of, oh my gosh, if you don't go for this proposal  
14 then they're going to put low-income housing on the property.  
15 It's come up in numerous conversations. Well, I'm not saying  
16 it's something that's occurred to you. I'm simply saying  
17 it's occurred in many of the public conversations. All  
18 right.

19 BZA CHAIR HILL: I was just curious.

20 MR. SHERMAN: Yeah.

21 BZA CHAIR HILL: It's okay, Mr. Sherman. I was  
22 just curious. And --

23 (Simultaneous speaking.)

24 BZA CHAIR HILL: -- zoning experts. There's a  
25 multitude of things that can happen to that property --

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1 MR. SHERMAN: Right.

2 BZA CHAIR HILL: -- that are outside what you  
3 think might happen to that property. But that's okay.

4 MR. SHERMAN: I don't doubt that.

5 BZA CHAIR HILL: I was just curious.

6 MR. SHERMAN: Right.

7 BZA CHAIR HILL: So all right. It looks like,  
8 Commissioner Speck, were you about to say something? No?  
9 Okay. All right. I'm going to turn it over to my fellow  
10 Board members. Who would like to go next with any questions  
11 they have? Mr. Smith has his hand up first.

12 MEMBER SMITH: I just have one question as to The  
13 Maret School, and it's about that netting based on some of  
14 the testimony that we received from the residents out there,  
15 the protective netting that Chair Hill brought up.

16 Was there a reason -- was that required by the ANC  
17 as part of your negotiations? What is the reasoning for  
18 having such a large netting structure there?

19 MR. HOLLOWAY: Sure. So it was not required by  
20 the ANC. What we were trying to do is find the right height  
21 to keep balls from escaping the surface of play to get into  
22 neighbors' backyards. I think in our resolution with ANC  
23 we've also said, you know, where we can go lower on the  
24 netting we shall certainly endeavor to do so. But we've  
25 tried to do is tell the neighbors, you know, we think 30 feet

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1 in these spots is what we're going to need to have to keep  
2 those balls in the field of play.

3 MEMBER SMITH: Okay. And is that 30 feet based  
4 on for recommendation for this type of various structure for  
5 athletic fields primarily used by, you know, schools or from  
6 particular -- I'm just asking, because it's a very large  
7 netting structure, something that I -- you know, something  
8 of this size reminds me of something at Topgolf. So that's  
9 my question.

10 MS. TALBOTT: I would like to just try to answer  
11 that. If you came to our school, you would see that we have  
12 netting around our whole field because we have neighbors  
13 surrounding our field. The netting we're presenting has hole  
14 that are going to be grade so that they don't stick into your  
15 face. The netting is something you can look through. And  
16 it's what you have at Jelleff. It's what you have at most  
17 of the schools that are in the neighborhoods.

18 MEMBER SMITH: Okay. And it sounds like --

19 MS. TALBOTT: Our landscape and our athletic  
20 people who build fields, this is their recommendation. We  
21 don't want to put any higher netting than is necessary.

22 MEMBER SMITH: Understood. And it sounds like,  
23 based on what was stated a little earlier, you will continue  
24 to have discussion with the ANC. So okay. So I'm sorry.  
25 Mr. Speck.

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1 MR. SPECK: Yeah, if you just look at the first  
2 page of our conditions on this particular paragraph, it's  
3 paragraph 1d, the protective netting shall be no taller than  
4 30 feet, measured from the finished rig adjacent to the  
5 immediate location and shall be reduced to lower levels  
6 whenever possible based on field experience and observation.  
7 So, if the, a lower net will work, it will be reduced under  
8 our conditions.

9 MEMBER SMITH: Got you. Okay. I see. All right.  
10 Thank you. Thank you, Maret team.

11 BZA CHAIR HILL: Okay. Who's next? Let's let the  
12 Chairman Hood go last, because, you know, he is the chairman.  
13 Let's go, Mr. Blake.

14 MEMBER BLAKE: Sure, so a quick follow-up to Mr.  
15 Smith's question. Is it possible to have the net be variable  
16 in height in times when the game is, games are going or not?  
17 And is that cost prohibitive, or is that actually something  
18 that's feasible based on the technology that's available at  
19 a cost management price?

20 MR. HOLLOWAY: So I would say, you know, we are  
21 always trying to manage, you know, what we're doing from a  
22 cost perspective. There is technology for variable height  
23 netting. One of the problems with that, though, comes with  
24 -- you know, you go out there. The coaches are out there  
25 having a practice. They either forget to put the netting up,

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1 forget to take it down, that type of thing. And then the  
2 balls go where you don't want them to go. That's why we've  
3 opted for the permanent netting. Just hoping that answers  
4 your question.

5 MS. TALBOTT: And I would just say that the goal  
6 posts for the football field are going to be removable, so  
7 they'll only be up during the fall season. And that I think  
8 would be more of a visual sight than the netting.

9 MEMBER BLAKE: Okay. And this may be a question  
10 for Mr. Speck. With regard to the, Mr. Axelrod's comment  
11 earlier about the ongoing input from the immediately adjacent  
12 neighbors, is that -- I noticed the task force really is  
13 dealing with the pre-construction.

14 But as an ongoing matter, how did that work out,  
15 because he indicated you kind of like, he was excluded from  
16 the last part? It seemed like that should be an ongoing  
17 thing. Could you explain how that worked out?

18 MR. SPECK: The task force is only for the  
19 construction period. And it will consist of the ANC  
20 commissioners and their designees. So the ANC, the  
21 commissioners can designate others as well to participate in  
22 the task force as needed. If a particular issue comes up  
23 that we want someone who has familiarity with that issue,  
24 then we'll put them on the task force as well. But it's only  
25 for the construction period.

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1           There will continue to be ANC monitoring, because  
2 we've got reports that are required over a ten-year period  
3 on a variety of issues, traffic and stormwater management  
4 particularly. So we'll still be monitoring what's going on,  
5 but it won't be through this formal task force, which is only  
6 for the construction period.

7           MEMBER BLAKE: Well, was Mr. Axelrod's proposal  
8 that you vetted an ongoing task force or not a -- was that  
9 just for the task force period?

10          MR. SPECK: It was just for the construction  
11 period.

12          MEMBER BLAKE: Okay. Thank you.

13          MR. SPECK: Just for the construction period.

14          MEMBER BLAKE: Okay, okay. And the question I  
15 have for the Maret team quickly is that I understand that  
16 this is not a real revenue generating center for you. If you  
17 did not have revenues from this, would this still be feasible  
18 economically?

19          MS. TALBOTT: The answer is yes. It will put, you  
20 know, more burden on our families and tuition payments. But  
21 we are not seeing this at all as a cash cow. It is more to  
22 help us with the general maintenance. It's not to help us  
23 with the lease. It's for the general maintenance of the  
24 field.

25                 And I would say that Wilson, Sidwell, many schools

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1 do rent to D.C.-based youth at a fairly low amount per hour,  
2 which is what we do on our own backfield to help with the  
3 wear and tear.

4 MEMBER BLAKE: And, then the last question on that  
5 would be, and this could be to the ANC as well. Did you look  
6 at a phase-in period where you could do something to minimize  
7 the, or kind of introduce the activity to the field, as  
8 opposed to the full-on traffic initially?

9 For example, not having the secondary, the  
10 third-party activities initially, and then starting just with  
11 the Maret traffic? Or is that, that just didn't make sense?

12 MS. TALBOTT: Are you asking me or Randy, Mr.  
13 Speck?

14 MEMBER BLAKE: Actually, it was to the both of you.  
15 Whoever could answer it. I'm just curious whether that  
16 discussion took place, and if it made sense or not.

17 MR. SPECK: There were discussions about phasing  
18 it in, and we've also got a provision in our conditions, that  
19 specify that on the usage time period, the periods of usage,  
20 that that can be modified based on experience as well.

21 And, it would have to come back to the BZA for an  
22 amendment to the order. But we think that we ought to look  
23 at experience, and see how that works out. And, decide  
24 whether it should be increased or decreased.

25 MS. TALBOTT: I also would just say, and I think

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1 Commissioner Speck would agree with us, that we started with  
2 more hours for outside youth sports groups, because of the  
3 demand. And, we heard from DC Soccer and other places, they  
4 wanted more hours.

5 But we reduced them with the ANC's acknowledgment,  
6 so that we're not on the field as much as we could have been.

7 MR. SPECK: And, as we note in our resolution,  
8 there's a push-pull here between some commissioners, some of  
9 our commissioners, wanted much more use, use by youth groups  
10 because they, they think that's a very important aspect of  
11 this community asset.

12 But we were sensitive to the immediate neighbors,  
13 and so we reached a compromise essentially. One that was  
14 still having a significant use for youth sports groups, but  
15 also restricted the hours so that it wasn't as intrusive as  
16 it might have been.

17 MEMBER BLAKE: All right, thank you very much. I  
18 appreciate those answers.

19 BZA CHAIR HILL: Just to follow up before I get to  
20 Chairman Hood. You guys, or a commissioner, and also the  
21 Maret team. What is the mechanism with which you're coming  
22 back to speak to the ANC in terms of how this is going?

23 Mr. Tummonds, maybe?

24 MR. TUMMONDS: Sure. Well, I think there is --  
25 okay, great.

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1 First of all, there are, we have the requirements  
2 to monitor our, the traffic and parking aspect.

3 So, I believe it's every, once in the spring and  
4 once in the fall, for the first three years, we have to come  
5 back to the ANC to say, here are the parking accounts that  
6 we did, here are, they are basically in keeping with what the  
7 CTR anticipated.

8 So, for the first three years, we're coming back  
9 twice a year to do that.

10 Mr. Holloway also mentioned that for 10 years,  
11 we're filing notice of annual reports on the status of the  
12 storm water management systems, and how they're working.

13 Also, we, the Maret team, they are going to be a  
14 member of this community. And, ECC is a member of this  
15 community. And, I think that certainly with the  
16 relationships that we've established with the ANC, with  
17 Chairman Speck, with our SMD Mr. Higgins, they know our  
18 number, we know their number, and we will continue to have  
19 dialogue with them on a continual basis.

20 And, certainly through this construction period,  
21 we're going to have a lot of dialogue.

22 BZA CHAIR HILL: No, I appreciate it. The  
23 construction period seems very well thought out. It's more  
24 again, we in the past, have had where there's been like, you  
25 know, you go back to the ANC every six months, or something

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1 like that. Just to discuss how things are going.

2 And, I don't mean necessarily, about traffic.  
3 It's anything. I mean, and I don't know whether, and I'm  
4 again trying to go through the conditions that the ANC has  
5 put forward, that why we'll have an opportunity to look more  
6 closely at when you put it together with an MOU.

7 But if you can highlight, or show how you will be  
8 involved with the ANC after the construction. You know, how  
9 do we know that the school will continue to be engaged with  
10 the community, and their concerns moving forward?

11 MR. TUMMONDS: Yes. We'll be sure to address that  
12 in the MOU.

13 BZA CHAIR HILL: Thank you. And, then the final  
14 thing and then I'll get to Chairman Hood, sorry Chairman  
15 Hood, is that the, and this is to the Maret team again.

16 The whole ECC agreement stuff, like how did that  
17 come about? And, would you also in your testimony and just  
18 again reiterate, that it's a partnership with ECC that is  
19 going to, not that this has anything to do necessarily with  
20 the regulations, I just, this is for my own curiosity, right.

21 Like, I mean the regulations are very clear as to  
22 what we're supposed to look at. I'm curious as to how the  
23 ECC thing came about, and your testimony is that this  
24 arrangement will facilitate the ECC's ability to continue on.  
25 Is that correct?

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1 MS. TALBOTT: Correct.

2 BZA CHAIR HILL: And, how did it come about?

3 MS. TALBOTT: I think that it was known in the  
4 community, and at the ANC, that ETC ceased its ongoing  
5 operations two years ago. There was a lot of interest from  
6 different groups. Maret heard about that, and our board  
7 approached the board in ECC about a long-term lease.

8 ETC was not interested in selling its property as  
9 they said. DCPS and other groups, had offered different  
10 types of arrangements. But ECC felt that we were most  
11 aligned in what they believe in, and do.

12 I think that the partnership has continued to  
13 enhance as we work together on the plans, on how to really  
14 support one another.

15 I'm sure that Bill Simmons or Stephanie Nash,  
16 could answer it from their perspective. But it was out  
17 there, it was in the public domain. We knew that DCPS was  
18 looking at it. We knew that other people, and we have had  
19 this long-term need.

20 BZA CHAIR HILL: Okay, I appreciate it. Thank you.  
21 Chairman Hood, do you have questions?

22 ZC CHAIR HOOD: Yes, thank you Mr. Chairman.

23 When I look at, after hearing all this today for  
24 a few hours give and take, and the different positions, I go  
25 back to Subtitle U and Subtitle X, the private school shall

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1 be located so that it is not likely to become objectionable  
2 to adjoining nearby properties because of noise, traffic,  
3 number of students, and otherwise (inaudible) goes on norm,  
4 and things that the Chairman mentioned we are supposed to  
5 look at.

6           One of the things that I've said in another case,  
7 and I'm going to say it in this one, too. At some point, all  
8 of us were young. Who wants to go to a baseball game, or a  
9 soccer game, where you can't hear?

10           Blowing a whistle is part of the game. Having a  
11 referee there is part of the game. And, the young lady who,  
12 commissioner, I think it was commissioner, one of the  
13 commissioners, I can't, I think I wrote her name down,  
14 Commissioner was it Brooks?

15           But either way, yes, Commissioner Brooks, talked  
16 about equity. At some point in time, all of us were young  
17 and played sports. I haven't been to any sporting events  
18 that were quiet. I haven't been to any.

19           So, what my point is, let's continue to continue  
20 to have that dialogue with Maret. I know that there's some  
21 more things that we may be replying to, and it looks like the  
22 ANC had a lot of things fine, too.

23           I think we need to probably expand a little bit  
24 more, the dialogue with the, and I heard the discussion  
25 between Board Member Blake and the ANC.

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1           We might need to expand that group that's going  
2 to continue to monitor what's going on. I think that can be  
3 updated.

4           But let me ask Mr. Sherman this. When you talk  
5 about other uses that can go there, it's not necessarily low  
6 income. But it could be affordable housing. And, that's one  
7 of the things, I think, West of the Park, and other areas can  
8 do their fair share.

9           But in this case, that's not before us. That's  
10 not the proposal that's before us. Maret is not talking  
11 about getting into the affordable housing business.

12           And, when I look at your, Mr. Sherman, when I  
13 looked at I think it was yours, because it's been a few hours  
14 so forgive me if I got whoever's PowerPoint presentation it  
15 was.

16           One of them had, I think you all's recommendation  
17 which took away the diamond, and the other one had the field  
18 and the diamond. I believe you said, I think the, your  
19 organization Mr. Sherman, was fine without the diamond, and  
20 maybe some other caveats. But Maret is recommending with the  
21 diamond.

22           Is that, did I characterize that, did I capture  
23 that correctly, or am I mischaracterizing?

24           MR. SHERMAN: Yes, you did.

25           ZC CHAIR HOOD: So, again, it goes back to my point

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1 of maximizing. The problem with a lot of things, and I hate  
2 to bring this analogy in for sure. The problem with FedEx  
3 Field was when it was built, it was already outdated. It was  
4 already outdated.

5           So, you know, I know people when we build stuff  
6 in the city like we did the tech hotel some years ago, the  
7 Zoning Commission by mandate by Congress. When they were  
8 built, what we did was, just in case, nobody even talks about  
9 tech hotels anymore. It doesn't happen. Those place turned  
10 into office buildings.

11           So, it was an adjusted use. It was built, but it  
12 didn't satisfy the requirement that we were mandated to do  
13 here in the city. So, now it's office buildings.

14           So, I'm just throwing that out there, Mr. Sherman.  
15 I do know there are adverse impacts. I just want to always,  
16 I always push and push, to continue to make sure people work  
17 the (inaudible).

18           I believe Maret should be part of the good  
19 neighbor policy. And, I always have said that for years.  
20 And, Mr. Sherman, I understand that there are some impacts,  
21 and there is some give and take. Not just from Mr. Sherman,  
22 but from Maret as well. You might close the gap.

23           And, one of the things that Board Member Blake  
24 said that I think was so pivotal in this case, is at some  
25 point, incrementally, and I'm not trying to put words in your

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1 mouth. I took as what he said is, incrementally put things  
2 in place. And, grow to the larger need, as opposed to  
3 starting off bam.

4 And, let the community work along with Maret, and  
5 let's incrementally get there.

6 So, Mr. Donohue and Mr. Sherman, and others, I  
7 hope you all will continue to work with Maret, because I know  
8 the Board will make the decision. We're going to look at the  
9 regulations within zoning. A lot of stuff is coming to play  
10 that probably is not within our area.

11 But when I look at objectionable to an adjoining  
12 and nearby property, I have to have a comfort level. And,  
13 when you talk about noise, a referee blowing a whistle? If  
14 that's all I had in my neighborhood, I would be great.

15 MR. SHERMAN: Yes.

16 ZC CHAIR HOOD: A referee blowing a whistle. You  
17 know how many people want that, Mr. Sherman? Instead of the  
18 other things that we have.

19 So, I guess my point to everyone is, continue to  
20 work. Continue to work at it. Take some of what Board  
21 Member Blake, and my other colleagues have mentioned. And,  
22 lets see what we come back with. Let's try to get closer  
23 together because at the end of the day, it's about the young  
24 folks.

25 MR. SHERMAN: Chairman Hill, could I --

1 (Simultaneous speaking.)

2 ZC CHAIR HOOD: That's all I have.

3 MR. SHERMAN: -- could I just --

4 ZC CHAIR HOOD: Yes.

5 MR. SHERMAN: -- give a response to that? Yes.

6 ZC CHAIR HOOD: Sure.

7 MR. SHERMAN: So, I appreciate everything that  
8 you've just said. And, (inaudible) be sure that it has  
9 conveyed you and the other board members, that in our  
10 alternative plan, we are giving Maret 82 percent of what  
11 Maret wants.

12 All we're asking is that we balance a little bit  
13 better, the needs of the immediate adjacent neighbors.  
14 That's all we're asking.

15 And to us, having been through this long process  
16 where we sought through our ANC, without success, to get some  
17 reaction to our concrete good faith offers, we're now before  
18 the BZA.

19 And again, we really appreciate the party status.  
20 But's it 82 percent of what they want. We frankly find it  
21 hard to see why that would not be a good deal for all  
22 parties.

23 ZC CHAIR HOOD: So, Mr. Sherman, I will tell you  
24 where I'm stuck at is not seeing the baseball diamond. I  
25 can't get beyond that.

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1           So, if you can, help me understand why I don't see  
2 a baseball. Why are we not maximizing the use?

3           MR. SHERMAN: Because one of the reasons why they  
4 need the netting to be so high, is because the fields are  
5 pushed right to the edge of the property line, with the  
6 contiguous neighbors. And, therefore, they have to have the  
7 netting.

8           There are very few fields in the District of  
9 Columbia, in the study that we revealed for you of 217  
10 playing fields, where the fields are sided in such a way that  
11 you require netting.

12           It's only when you're trying to pound 10 pounds  
13 of sand in a five pound bag that you come up with that. It's  
14 too big. It's too intrusive. That's what we've been saying.  
15 But we're not opposed to it. We also want to underscore  
16 that.

17           One final thing. Maret has use of their baseball  
18 diamond at Jelleff until 2029. There is no urgency for a  
19 baseball field on their part, at this point. It's only  
20 because they want to use it at this field, and therein lies  
21 the rub with the immediate neighbors.

22           This is not a difficult problem to fix, board  
23 members.

24           BZA CHAIR HILL: Mr. Sherman, Mr. Sherman, I want  
25 to let you know something. You keep saying this 82 percent

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1 thing, right? And, you're taking away a baseball diamond.

2           And, so, you know, I'm just saying you make it  
3 sound as though you're trying to do apples for apples here.  
4 Or, you know, it's not.

5           And, so I'm not saying that, I'm not saying you  
6 haven't made your argument. I'm just saying don't make it  
7 sound like you're giving them exactly what they want.

8           And, we all know about netting. And, we know  
9 about what's been put in neighborhoods. We're here every  
10 week, right. And, we hear, I've heard thousands of cases.

11           And, so, you know, we are here to look at the  
12 regulations, and whether or not we think this is fitting  
13 within the regulations, right.

14           But all I'm just trying to take issue with is  
15 you're saying this 82 percent, as if you're providing an  
16 apples for apples situation.

17           And, by the way, I'm not trying to rehash all  
18 this. Like, you've clearly, you guys have clearly  
19 articulated. I thought your presentation was very good as  
20 to why you think that they're not meeting the regulation.

21           So, all I was just taking issue with is that it's  
22 not an apples for apples trade.

23           MR. SHERMAN: Yes, and Chairman Hill, all I'm  
24 trying to reiterate to you, is that we can have an amicable  
25 outcome for everybody here. That's all I'm trying to say.

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1 BZA CHAIR HILL: Okay.

2 ZC CHAIR HOOD: And, Mr. Sherman, that's why I'm  
3 trying, that's why I'm having this discussion with you. With  
4 you, and I want Maret to hear this discussion because that's  
5 exactly what I'm looking for when you come back.

6 I believe it can be done. The good neighbor  
7 policy is always work. And, I believe it works. But I will  
8 say this to you, Mr. Sherman, and I'm not picking on you, I'm  
9 just saying.

10 When I'm thinking about the field where Maret  
11 plays in our neighborhood and I'm trying to think. The  
12 houses are right there, and I was trying to think about a  
13 net. You know what the net was? The neighbors' cars.

14 So, and they still there even though Maret's not  
15 playing in there. So, I think there's some precautions that  
16 you may be getting, that my neighborhood did not get.

17 But I will tell you, Mr. Donohue, and all, and  
18 also Mr. Tummonds, lets you all continue to have the  
19 conversation.

20 Commissioner Speck, and it look like they did a  
21 yeoman's job. I know some people may not agree with where  
22 they landed, but they put a whole lot of conditions in there.  
23 Some are enforced by us, and some that are enforced between  
24 the two of them. And, I think that's why the Chairman has  
25 asked to talk about the MOU.

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1           So, I still think all this is still do-able, but  
2 it's going to take some give and take on everyone's side.

3           That's all I have, Mr. Chairman.

4           Thank you.

5           BZA CHAIR HILL: Thanks, Chairman Hood.

6           I'm going to let the commissioners, I mean out of  
7 the ANC you'll get a conclusion. And, then as will Mr., did  
8 I lose the attorney?

9           Where's Mr. Donohue? Oh, there we go. Sorry.

10          Hi, Mr. Donohue.

11          So, Mr. Donohue, you'll get a conclusion also.  
12 I'm going to deal with the commissioner first, and then you,  
13 Mr. Donohue. And, then end with the applicant in terms of  
14 a conclusion.

15          And, before I go, this is to Mr. Tummonds and the  
16 team. There was this whole question of the bleacher seating.  
17 And, like the bleachers being faced somewhere, or something,  
18 or there wasn't enough seats maybe.

19          Can you just provide some feedback to that  
20 testimony?

21          MR. HOLLOWAY: Sure. So, we're proposing moveable  
22 bleachers on the site for the multi-purpose field, and then  
23 permanent bleachers on the baseball diamond.

24          The reason we're proposing movable bleachers for  
25 the multi-purpose field is because depending on the sport,

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1 that depends on where you need to put the bleachers.

2           Sometimes the teams are on the same side of the  
3 field. Sometimes they're on the opposite side fo the field.

4           And, so those bleachers, that set of two, would  
5 hold about 40 people each, we're estimating. And, so that's  
6 what we think will accommodate the majority at the games,  
7 that we're talking about holding at the site.

8           So, that's what we're proposing. Does that answer  
9 your question?

10           BZA CHAIR HILL: Yes. And, then is it, so as we  
11 are going to learn about how you're going to have continued  
12 discussions with the community, if it seems as though you  
13 need more bleachers, so that the people that are, you know,  
14 the spectators are facing the correct direction and watching,  
15 and therefore, the noise is going away from the community,  
16 that is something that would get addressed at that point.

17           Is that what you're trying, I'm trying to first  
18 of all, find out if you guys are open to more bleachers if  
19 you need it, and I would assume the answer would be yes.  
20 Correct?

21           MR. HOLLOWAY: Yes, I mean in just kind of writ  
22 large, we are open always to continuing conversation with the  
23 ANC, about mitigating any impacts that pop up that we weren't  
24 anticipating at the time.

25           I mean, Marjo and I are in regular contact with

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1 the chair of the ANC here, and with the park. So, we  
2 certainly would do that.

3 BZA CHAIR HILL: Got it. And, so then I guess, Mr.  
4 Tummonds, that's what I'm also looking for as to how you guys  
5 are going back to the ANC after the construction, after the  
6 construction's finished so that right, if that neighbor had  
7 an issue with the sound and they thought maybe an additional  
8 bleacher could get put up, you know, that would be something  
9 that would be put forward with the ANC at whatever time it  
10 is that you guys have now, that whatever mechanism you all  
11 put forward.

12 And, so I'd be looking for that is what I'm  
13 saying, Mr. Tummonds, okay?

14 MR. TUMMONDS: Got it.

15 BZA CHAIR HILL: Okay.

16 All right, do my fellow board members have any  
17 questions before we go to conclusions?

18 (No audible response.)

19 BZA CHAIR HILL: Okay, so --

20 (Simultaneous speaking.)

21 ZC CHAIR HOOD: -- could somebody just tell me  
22 right quick, where is the 82 percent chart? Maybe I can look  
23 and find it, but if anybody knows where it is right quick.

24 The chart that had the 82 percent that Mr. Sherman  
25 was saying that they were willing.

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1 I know it's in their presentation. Is it in the  
2 first, second, or third, third PowerPoint presentation?

3 If somebody could just give just that information  
4 so I want to --

5 (Simultaneous speaking.)

6 BZA CHAIR HILL: Mr. Sherman, do you know what  
7 Chairman Hood --

8 ZC CHAIR HOOD: Exactly.

9 BZA CHAIR HILL: -- is referring to?

10 MR. SHERMAN: Yes, and we cited another document.  
11 We'll follow up with you and provide that information to you,  
12 Chairman Hood.

13 ZC CHAIR HOOD: Okay, thank you.

14 MR. SHERMAN: Uh huh.

15 BZA CHAIR HILL: Okay, Mr. Sherman?

16 MR. SHERMAN: (No audible response.)

17 BZA CHAIR HILL: Mr. Sherman?

18 MR. SHERMAN: Yes, uh huh?

19 BZA CHAIR HILL: I'm sorry, there just, I have to  
20 close the record except for things that we ask for. So,  
21 that's why I've got to try to understand what is it that you  
22 want to try, or is it somewhere that's in here and you're  
23 going to try to pull from it?

24 MR. SHERMAN: It's the count of Maret sports teams,  
25 that would benefit from one multi-purpose field without the

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1 baseball diamond.

2 BZA CHAIR HILL: I got you. So, you can submit  
3 something into the record that --

4 (Simultaneous speaking.)

5 MR. DONOHUE: It's in the record. We're going to  
6 give you an exhibit number.

7 BZA CHAIR HILL: You're going to, I'm just saying,  
8 you're going to add that to the record?

9 MR. DONOHUE: It's in the record. We're going to  
10 give you the slide identification so you know it. But it's  
11 in the record.

12 BZA CHAIR HILL: I understand. But I'm saying --  
13 (Simultaneous speaking.)

14 ZC CHAIR HOOD: No, it's in the record. I probably  
15 still have it --

16 BZA CHAIR HILL: -- you have to let us know that  
17 --

18 ZC CHAIR HOOD: -- shortly, so.

19 BZA CHAIR HILL: -- you have to let us know that  
20 somehow, is what I'm trying to get at.

21 And, then it's something that's going to get put  
22 into the record, Mr. Donohue. That's what I'm just trying  
23 to understand.

24 So, you're going to submit something into the  
25 record that points out where it is in the record, is that

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1 what you're saying, Mr. Donohue?

2 MR. DONOHUE: Yes, sir.

3 BZA CHAIR HILL: Okay, there you go.

4 All right, so Commissioner Speck, you want to give  
5 us a conclusion, please, and then Mr. Donohue, and then Mr.  
6 Tummonds.

7 MR. SPECK: It's been a very long day, I know for  
8 all you. We really appreciate the Board's attention through  
9 all of this. And, I know it's very complicated in some  
10 respects, but you've handled it extremely well, and we  
11 appreciate that.

12 I don't have anything else to add. Thank you.

13 BZA CHAIR HILL: Thanks, Commissioner Speck.

14 Commissioner Speck, we always appreciate the ANCs,  
15 and all the work they do. And, I know that it's taken a long  
16 time for you to get to this point. I don't know what's going  
17 to happen, but it took you a long time to get here.

18 So, congratulations to you all, as well, and  
19 surviving it as well, and doing your best.

20 MR. SPECK: Thank you.

21 BZA CHAIR HILL: Mr. Donohue?

22 MR. DONOHUE: Thank you, Mr. Chairman.

23 Briefly, just a few things I want to go over.  
24 One, a little while ago we heard testimony from Dr. Nash,  
25 from ECC. And, I thought that was very compelling. Because

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1 ECC I know, has had a presence there in that community for  
2 a long time.

3           This case is not about ECC. But I think the  
4 neighbors are encouraged that ECC hopes to reopen, perhaps  
5 in the fall.

6           But embedded in her testimony was that they hope  
7 to open with some 20 students. That's a small presence  
8 there, so we're hopeful that that comes back as a more robust  
9 program.

10           Secondly, I've been involved with this group since  
11 November, as I explained to you a few moments ago. I'm not  
12 aware of anyone being bullied into a position. When we asked  
13 you for party status, you asked us about what our numbers  
14 were. And, at the time, I said approximately 250.

15           That number has grown to about 272, 274. I'm not  
16 aware of any instances where people are bullied into a  
17 position.

18           There were some things said; there were some  
19 allegations made at ANC meetings. There's some hard  
20 feelings, I suppose, but I'm not aware of any bullying.

21           We did propose two alternate schemes. We had  
22 testimony from Mr. Patton, and Mr. Sherman. Mr. Sherman has  
23 that amplified, and he tried to address your questions about  
24 how that might work.

25           Admittedly, these aren't fully engineered plans,

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1 however, they are less impactful. They're better at saving  
2 trees. They're better at saving heritage trees. We think  
3 it's 82 percent of what Maret has asked for; perhaps not.  
4 Mr. Hood will do the math.

5           But we think it's a good proposal, and we think  
6 it merits further discussion. We got very little interest  
7 on the part of the Maret team.

8           I point out by the way, that Maret has a, the  
9 opportunity to continue its use of Jelleff Fields until 2029.  
10 2029. And, I don't know whether that's extendable. Perhaps  
11 it is; I don't know.

12           Earlier on, much earlier on, Mr. Hood asked us  
13 about the AG's opinion, and asked us why they didn't cite the  
14 Court of Appeals opinion. And, I don't know either.

15           We did ask them to get involved in the case. We  
16 didn't guide them in their direction. We didn't do the  
17 research for them, but we certainly invited their attention  
18 to what we thought was a zoning problem.

19           But I do want to read you something from the case,  
20 Mr. Hood, and I want to answer the question that you raised,  
21 maybe seven hours ago.

22           This is from page 1 of the Court of Appeals'  
23 opinion, talking about the athletic facilities attendant to  
24 National Cathedral. Same campus.

25           Specifically, the BZA found that the athletic

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1 facility constitutes either an extension of the principal use  
2 of the school, or a quote, accessory use. Because the  
3 Board's finding that it is an accessory use is sustainable,  
4 we need not consider whether the facility is reasonable  
5 characterized as a principal use.

6 In other words, the Court of Appeals said it's  
7 attendant to the principal use, which is an existing special  
8 exception and therefore, allowed, or it's an accessory use.

9 Now here, the principal use, Maret, is about three  
10 miles down the road. You actually can't get there in three  
11 miles. It's three and a half miles.

12 There is no special exception from Maret on the  
13 premises. So, it's got to be accessory. It's got to be an  
14 accessory, or adjunct. And, he goes on to talk about adjunct  
15 uses. And, if it's adjunct to Maret, then how can it be off  
16 the premises? How can it be three miles away?

17 Earlier on, I chuckled when a board member  
18 mentioned Topgolf. It's the first thing I thought of when  
19 I saw the fencing going up. By the way, the fencing, the  
20 screens are going up above 12-feet of retaining wall. And,  
21 Topgolf was the first thing that came to mind.

22 This also occurs to me, and I struggle with it but  
23 I'm going to suggest this to you anyway. If the Maret team's  
24 interpretation is true, that the principal use can be an  
25 athletic facility as a stand alone use, then what's to

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1 prevent another school or college, from coding a sportsplex,  
2 like a St. James, or some other sportsplex, unrelated to  
3 their campus, on a site and fall under the special exception  
4 facility?

5           You have to have the accessory part of the  
6 definition we talked about so many hours ago. It's either  
7 got to be attendant to the principal use, or accessory. And  
8 if it's accessory, it's got to be on the same lot. That's  
9 the opinion the AG took, and that's the opinion that we have.

10           And, that's where I'll close, Mr. Chairman.

11           Thank you.

12           BZA CHAIR HILL: Thanks, Mr. Donohue. Thank you  
13 for your participation, and your client's participation  
14 throughout the day.

15           Chairman Hood, you have something?

16           ZC CHAIR HOOD: Yes, Mr. Donohue, can you provide  
17 that first page that you just read about the record?

18           MR. DONOHUE: Yes, sir.

19           ZC CHAIR HOOD: If the Chairman would allow? Okay,  
20 thank you.

21           BZA CHAIR HILL: Okay, all right, Mr. Donohue, then  
22 I guess you can put that in there at the same time that you  
23 put in the, with the reference to the exhibit.

24           Mr. Tummonds?

25           MR. TUMMONDS: Great, thank you very much.

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1           As noted in our initial statement, our pre-hearing  
2 statement, our response to the motion to postpone, and the  
3 information that we've provided here today, the applicant has  
4 satisfied the special exception standards for the proposed  
5 private school use.

6           The Office of Planning, DDOT, and the ANC 3/4G  
7 agree with this conclusion. We will submit the requested  
8 information that you've asked for, and we will address the  
9 issue of the principal use, and how this, this application  
10 and Maret's athletic fields, satisfy those requirements as  
11 agreed to by the Zoning Administrator, as noted in the  
12 precedential BZA case from NCS.

13           And, I think just in the idea of what we're  
14 talking about here today. It is through the discussion of  
15 this use and its impacts, that we get to the questions that  
16 are relevant.

17           Mr. Donohue just mentioned, you know, what would  
18 happen if this, this entity wanted to do this, this, and  
19 this? Well, you could say okay, let's talk about that, and  
20 then we can go through a process to say that's not  
21 appropriate here. That is not in keeping with the intent and  
22 integrity of the zoning regulations, pursuant to Subtitle X  
23 901.2.

24           We think that the special exception process allows  
25 appropriately, the BZA to review the impacts that this

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1 educational use, athletic facilities are educational uses,  
2 have on the nearby property owners, nearby community.

3 That's why we think the special exception approval  
4 is appropriate. That's what we'll address in greater detail  
5 in our post-hearing submission.

6 And, then once you have all that information, we  
7 request that you approve our special exception application.

8 Thank you very much.

9 BZA CHAIR HILL: Okay, thank you.

10 Okay, Mr. Moy, can you hear me?

11 MR. MOY: Yes, I'm here.

12 BZA CHAIR HILL: If you could walk us through like,  
13 when we might get things to record, and when we might be able  
14 to get back here for a decision.

15 MR. MOY: Okay, before I jump to that, Mr.  
16 Chairman, just for clarity on the record, and for my own  
17 edification, the Board heard testimony from witnesses for  
18 those in support, and those in opposition.

19 And, there were two individuals who asked the  
20 Board if you would allow what they testified, to allow their  
21 written testimony into the record.

22 And, I believe one was somebody, a person by the  
23 name Jonathan Axelrod. The other is Michael Sriqui,  
24 S-I-R-Q-U-I. And, I believe you allowed that.

25 And, during the course of the hearing, someone

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1 with the Friends of the Field, tried to submit their  
2 testimony into the record.

3 So, my question is that whether for my direction,  
4 if you're allowing all these written testimonies into the  
5 record.

6 BZA CHAIR HILL: Go ahead and allow the Friends of  
7 the Field testimony into the record. The mister, and I can't  
8 pronounce his last name, the last name that started with an  
9 S.

10 MR. MOY: Yes.

11 BZA CHAIR HILL: He was going to give his written  
12 testimony. And, then also I think he was going to give  
13 testimony of an organization that he was part of.

14 MR. MOY: Yes --

15 (Simultaneous speaking.)

16 BZA CHAIR HILL: And, we can go back --

17 MR. MOY: DC Soccer. Yes.

18 BZA CHAIR HILL: There you go. If you can go ahead  
19 and allow that into the record. And, then you had mentioned  
20 one other thing I think?

21 MR. MOY: Person by Jonathan Axelrod.

22 BZA CHAIR HILL: Yes.

23 MR. MOY: He asked as well, but, you know, these  
24 two individuals actually had exhibits in the record. But I  
25 suppose it doesn't hurt to allow that into the record.

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1           BZA CHAIR HILL: If Mr. Axelrod wants to submit his  
2 testimony into the record, I can't, you know, whatever is in  
3 the transcript, you can go ahead and allow him to put that  
4 into the record, right?

5           MR. MOY: Okay, very good.

6           Thank you.

7           BZA CHAIR HILL: And, then after that I guess if  
8 you can come back to us with dates on --

9           (Simultaneous speaking.)

10          MR. MOY: Yes.

11          BZA CHAIR HILL: -- on when we might get the  
12 information from the team. And, then whatever happens with  
13 everybody having an opportunity, and then who would give back  
14 to us.

15          MR. MOY: Okay. So, what I have for you, Mr.  
16 Chairman, is this for a continued hearing or for decision  
17 making?

18          BZA CHAIR HILL: I think there's enough information  
19 that the Board would be able to come to a decision.

20          MR. MOY: Okay, all right.

21          So, okay, let me start at the beginning.

22          So, I'm going to suggest that the appellant, the  
23 Friends of the Field, submit their reference materials that  
24 was asked for by the Board, by Monday, March the 14th.  
25 Between now and Monday, March the 14th.

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1           The applicant, to make their post-hearing filings  
2 by Friday, March the, let's say March the 25th. I'll give  
3 you a little bit of time.

4           And, any responses to the filing by the applicant  
5 by the parties, by Monday, April the 4th.

6           (Pause.)

7           BZA CHAIR HILL: I lost you, Mr. Moy.

8           MR. MOY: I'm sorry. Is that too length of a time,  
9 or do you want me to compress it?

10          BZA CHAIR HILL: I mean, if we can get, I mean I  
11 don't know when. I'd rather get to a decision sooner rather  
12 than later, because I want to be able to have this fresh in  
13 my brain.

14          MR. MOY: Okay, all right.

15          BZA CHAIR HILL: So, I mean, let's work backwards.  
16 How fast, Mr. Tummonds, can you get us what we  
17 need?

18          MR. TUMMONDS: We can have it for you in a week.

19          BZA CHAIR HILL: In a week. So, that means the  
20 16th. So, then the 16th.

21          So if you're the 16th, then you, Mr. Donohue, you  
22 can give us your info also by the 16th?

23          MR. DONOHUE: Sure.

24          BZA CHAIR HILL: There's only two things.

25          MR. DONOHUE: Yes, no, it's fine.

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1 BZA CHAIR HILL: Yes. And, then you guys will all  
2 have an opportunity, as will the ANC, to look at that stuff  
3 and give us whatever responses you have to that, Mr. Moy, by  
4 when?

5 MR. MOY: Let's say a week, March 23rd.

6 BZA CHAIR HILL: 23rd. And, then we'll come to a  
7 decision on the 30th?

8 MR. MOY: Yes.

9 BZA CHAIR HILL: Okay, does that work for the  
10 Board?

11 (No audible response.)

12 BZA CHAIR HILL: Okay. Okay?

13 MR. MOY: That's it.

14 BZA CHAIR HILL: I guess that's it. It sounds like  
15 its it.

16 This actually, I think this goes down as a record.  
17 This is the longest one hearing I think we've ever had. I  
18 think it really is.

19 All right, so everybody, thank you so much for all  
20 of your time, and is there any questions from anyone before  
21 we go?

22 MR. DONOHUE: Mr. Chairman, I have a question.

23 BZA CHAIR HILL: Sure.

24 MR. DONOHUE: Hours ago, it was suggested that the  
25 Zoning Administrator had weighed in and given an opinion on

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1 this legal issue. Is that part of the applicant's, Maret  
2 team's submission?

3 BZA CHAIR HILL: I think there was an email, is  
4 that correct, Mr. Tummonds?

5 MALE: That's correct.

6 MR. DONOHUE: Well, we haven't seen it, but that  
7 was the suggestion.

8 MALE: Yes.

9 BZA CHAIR HILL: I understand. Can you submit that  
10 into the record, Mr. Tummonds?

11 MR. TUMMONDS: Yes, I can submit that in the record  
12 tomorrow.

13 BZA CHAIR HILL: Okay, well you can do it at the  
14 same time as everything else so at least we know, you know.

15 MR. TUMMONDS: Sure.

16 BZA CHAIR HILL: It's there, right.

17 MR. TUMMONDS: Yes.

18 BZA CHAIR HILL: Okay, any other questions?

19 MR. DONOHUE: Not from me.

20 BZA CHAIR HILL: Okay.

21 All right, well thank you all again very much.  
22 And, Mr. Sherman, thank you for your time. I think you guys  
23 did a great job today. And, it was a long day.

24 MR. SHERMAN: Well, it's again, our pleasure and  
25 we want to thank you for allowing us the opportunity.

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1 BZA CHAIR HILL: Quite welcome, Mr. Sherman.

2 All right, y'all have a nice evening. Bye bye.

3 I'm closing the hearing on the record except for  
4 what we asked for. And, then I'm going to talk to my fellow  
5 board members and Mr. Moy.

6 Oh my gosh, is Ms. John still here?

7 (No audible response.)

8 BZA CHAIR HILL: There is no way she's still here.

9 Oh my.

10 VICE CHAIRPERSON JOHN: Good afternoon, Mr.  
11 Chairman. How are you?

12 BZA CHAIR HILL: Wow, look at that. Ms. John, wow.

13 VICE CHAIRPERSON JOHN: I feel so refreshed.

14 BZA CHAIR HILL: Oh my gosh. You could have like,  
15 driven somewhere and like, who knows.

16 VICE CHAIRPERSON JOHN: I could have gone to a play  
17 in New York, and come back and had dinner.

18 BZA CHAIR HILL: You really could have. You could  
19 have been to the Kennedy Center, saw a musical.

20 VICE CHAIRPERSON JOHN: Could have done anything.

21 BZA CHAIR HILL: Wow. All right, so, and I feel  
22 bad for the other people that are waiting around, too, but  
23 I couldn't do anything about it. I tried my best.

24 So, Mr. Moy, we got 20538. I think we're just  
25 going to have to postpone. I mean, we're postponing both of

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1 them.

2 But do you, have you talked to anybody yet? Or  
3 do you have anything? Or you want to call me, or what do you  
4 want to do?

5 MR. MOY: Yes, I have spoken during the course of  
6 the Maret School hearing, Mr. Chairman.

7 The party opposition to 20502, as well as --  
8 (Simultaneous speaking.)

9 BZA CHAIR HILL: 20502, 205 what?

10 MR. MOY: 20505 of Michael Farquhar.

11 BZA CHAIR HILL: Okay, got you. You said 20502 or  
12 something.

13 MR. MOY: Yes, my mistake. It's been long for me,  
14 too, I guess.

15 BZA CHAIR HILL: Yes.

16 MR. MOY: And, as well as the applicant, the  
17 attorney representing the applicant, to case 20538, of TG  
18 Management.

19 And, in both of these instances, it was to give  
20 them a status of where the Board was in relation to these two  
21 cases.

22 And, so, yes, and the possibility that this may  
23 be continued to a future date.

24 So, they're very aware of that, and certainly the  
25 attorney for the applicant on TG Management, had to get back,

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1 was going to update her client.

2           So, obviously I don't have, I don't have that  
3 information.

4           BZA CHAIR HILL: Okay.

5           So, the problem is, there was all these parties  
6 in oppositions. There was a lot of people involved in both  
7 cases.

8           And, I think that, oh right. We needed, there was  
9 something I think, and now Mr. Moy, maybe you can help me.

10           And, I don't know whether you want to call these  
11 things, and we'll have people and figure out what works for  
12 everybody. Or, if anybody's around. I don't even know if  
13 anybody's around anymore.

14           But --

15           (Simultaneous speaking.)

16           MR. MOY: Mr. Chairman, I believe they may be in  
17 the waiting room if you want to call them in. I did --

18           (Simultaneous speaking.)

19           BZA CHAIR HILL: Now I'm curious. Mr. Smith, Mr.  
20 Smith, you're leaving us?

21           MEMBER SMITH: I'm leaving you, so.

22           BZA CHAIR HILL: Okay, we'll let you know what  
23 happens.

24           MEMBER SMITH: All right. Take care, everyone.

25           BZA CHAIR HILL: Thank you, bye bye.

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1 MR. MOY: My staff has alerted me that David Brown,  
2 would like to discuss and have input, on a reschedule date.  
3 And, I'm hoping that both Cynthia Giordano and Andrea  
4 Ferster, is also on the line.

5 BZA CHAIR HILL: Okay.

6 MR. MOY: And, perhaps Meredith Moldenhauer, as  
7 well.

8 BZA CHAIR HILL: Right. Well, I just need to speak  
9 to the attorneys, I guess.

10 MR. MOY: Well, these are all attorneys.

11 BZA CHAIR HILL: Right.

12 MR. MOY: These are all the attorneys.

13 BZA CHAIR HILL: I got you. I didn't know whether  
14 the Deanwood Citizens Association, or the ANC is still here  
15 for, I mean that's fine.

16 You can go ahead and call 20538 and see what we  
17 got; see who we get.

18 MR. MOY: Okay, well then let me just call the case  
19 then, Mr. Young.

20 BZA CHAIR HILL: Yes.

21 MR. MOY: So, this would be case application No.  
22 20538, of TG Management, LLC.

23 This is caption advertised for a special exception  
24 relief under Subtitle U, Section 203.1(e), which is pursuant  
25 to Subtitle X, Section 901.2. This would allow a

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1 community-based institutional facility.

2 And, I'll just say that the property is located  
3 at 1614 Olive Street Northeast, Square 5167, Lot 7.

4 BZA CHAIR HILL: Okay.

5 MR. MOY: So, Mr. Young, this should be Cynthia  
6 Giordano, representing the applicant.

7 MR. YOUNG: I don't see her, and I don't see David  
8 Brown.

9 BZA CHAIR HILL: Okay, that's fine.

10 I mean, the only thing that I was going to  
11 mention, Mr. Moy. Ms. Bajaj, or Ms. Nagelhout, if anybody  
12 tells me differently, I believe that this is in my authority  
13 to try to reschedule things. And, to let people know what  
14 the Board needs.

15 I know that we needed something, I thought, that  
16 made Ms. Giordano, and I now see her there, something that  
17 authorized her as the attorney, I thought. And, I didn't  
18 know whether we'd got that or not.

19 But if Ms. Giordano actually is there, and she can  
20 hear me, or not, and it's also fine either way because it's  
21 been a little disjointed today.

22 MS. GIORDANO: Hello? Hi, this is Cynthia Giordano  
23 from Saul Ewing Law Firm, representing the applicant.

24 BZA CHAIR HILL: Hi, Ms. Giordano. I don't know  
25 whether -- there's no one else here, I think, at this point,

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1 so I don't know whether we're actually going to need you at  
2 this point.

3           You can go, I don't want to whatever the word is,  
4 the legal word, I can't think of it right now. I don't have  
5 the other people with us.

6           So, the only thing you can kind of, I just need  
7 something in the record that says that you're the attorney.  
8 I don't think that's in there yet.

9           MS. GIORDANO: We provided, I provided it.

10          BZA CHAIR HILL: Okay, maybe it was late because  
11 I don't see it.

12          MS. GIORDANO: It was late. It was late.

13          BZA CHAIR HILL: Okay.

14          MS. GIORDANO: I apologize for that. I actually  
15 had been contacted by the non-profit groups to do this on a  
16 pro bono basis, and I, not the actual property owners. So,  
17 I had kind of overlooked that.

18          BZA CHAIR HILL: Ms. Giordano, since I don't have  
19 anybody else with me, I don't want to talk a lot about this  
20 case.

21          MS. GIORDANO: Okay, I'm sorry.

22          BZA CHAIR HILL: So, I'm just going to, I'm going  
23 to excuse you, okay?

24          MS. GIORDANO: Okay.

25          BZA CHAIR HILL: Thank you.

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1           So Mr. Moy, if you can just reach out to everyone  
2 and let them know that we asked Ms. Giordano for the, well  
3 I guess actually, we're just letting everything into the  
4 record.

5           I think that, you know, that she is the attorney  
6 for the applicant.

7           MR. MOY: Yes.

8           BZA CHAIR HILL: And, in terms of rescheduling, can  
9 I get back to you or, I know that we want to usually do it  
10 now. But what do you want me to do?

11          MR. MOY: Well, I can suggest two dates for you,  
12 Mr. Chairman.

13          BZA CHAIR HILL: Okay.

14          MR. MOY: One is sooner, one is later.

15          BZA CHAIR HILL: Okay.

16          MR. MOY: The sooner one would be April 27th, where  
17 we have eight cases, so this will be the ninth case.

18          Or we could push this to May 18th, where there are  
19 five cases, so this would be the sixth case.

20          BZA CHAIR HILL: Right.

21          MR. MOY: Those are the two dates I would  
22 recommend.

23          BZA CHAIR HILL: So, that's the same thing as the,  
24 then 20505?

25          MR. MOY: Yes, I would do that as well.

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1 BZA CHAIR HILL: So then we'd have two potential  
2 long cases on the 27th?

3 (No audible response.)

4 BZA CHAIR HILL: So this is my question to you,  
5 Mr. Moy, and we're doing this in the public.

6 I'm actually thinking perhaps, if the Board would  
7 be willing to do another day, that we would actually put this  
8 on a, we'd put these two cases on a special day.

9 And, we'd go ahead and have these two cases on a  
10 day, as opposed to loading them up onto additional days and  
11 sticking them out two months from now.

12 I get a thumbs up from Mr. Blake, and I can't read  
13 Ms. John's face.

14 Ms. John, what do you think?

15 VICE CHAIRPERSON JOHN: It depends on the day.  
16 What day are we talking about?

17 BZA CHAIR HILL: I like your questions. That's a  
18 very good question. I don't really have a suggested day.  
19 Do you, Mr. Moy?

20 MR. MOY: I'm looking now to see if we have a  
21 Wednesday where there was no scheduled hearing. We do, but  
22 that doesn't appear until way too late, because I believe  
23 it's in June or July.

24 BZA CHAIR HILL: So, my question to you Mr. Moy,  
25 goes back to the first one, which is can I talk to you later,

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1 and we can figure out how to do this?

2 MR. MOY: Okay. I'm usually advised not to do that  
3 but we can do that, and then I'll put a memo into the record,  
4 as well as contacting all the parties.

5 BZA CHAIR HILL: Yes, this is a unique situation.  
6 And, the Board is trying to accommodate the public by taking  
7 another day, and volunteer our time because this is a  
8 volunteer situation, basically. And, we're going to pick a  
9 day, okay.

10 So, Chairman Hood, are you going to join us then  
11 on this extra day?

12 ZC CHAIR HOOD: I was going to suggest, yes, I can  
13 join that day since I'm the commissioner here, but I was  
14 going to suggest that it not be a Monday or a Thursday.

15 So, that leaves you one day because the  
16 Commission, we meet. And, even if y'all are in the middle  
17 of a meeting at 4:00 o'clock, we probably going to have to  
18 trump you. No, I'm just playing.

19 BZA CHAIR HILL: That's fine. So, a Tuesday works  
20 for you, Chairman Hood, is that correct?

21 ZC CHAIR HOOD: It will work for any member of the  
22 Zoning Commission, but since I'm on these two or I'm here,  
23 I will do those special day. That special day.

24 BZA CHAIR HILL: Okay, a Tuesday would work best  
25 for me of one of the days that we pick. Is that okay with

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1 you? I'm not giving one right now, but is that okay with  
2 you, Mr. Blake?

3 ZC CHAIR HOOD: That will work, oh, I'm sorry.

4 BZA CHAIR HILL: Oh, sorry. And, okay, I got a  
5 thumbs up, and Vice Chair John?

6 VICE CHAIRPERSON JOHN: Yes.

7 BZA CHAIR HILL: I got a thumbs up, okay.

8 So Mr. Moy, we'll come up with a Tuesday to hear  
9 these two cases sooner rather than later, okay?

10 MR. MOY: All right, sounds good.

11 BZA CHAIR HILL: Now, there was some questions  
12 however. I think we do have people for 20505, I think, Mr.  
13 Young. If you have Ms. Moldenhauer and Ms. Ferster?

14 MR. YOUNG: Yes, she's calling in by phone.

15 BZA CHAIR HILL: Okay, who? Both of them?

16 MR. YOUNG: Ms. Ferster is.

17 BZA CHAIR HILL: Okay.

18 (Pause.)

19 BZA CHAIR HILL: Mr. Moy, do you need to call the  
20 case?

21 MR. MOY: (No audible response.)

22 BZA CHAIR HILL: Yes, go ahead and call the case.  
23 I got a nod from Vice Chair John. Go ahead and call.

24 MR. MOY: Yes, there would be no harm in me doing  
25 that. So, this would be okay, just wanted to be sure I had

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1 the right case.

2           20505, of Michael Farquhar. This is as amended  
3 for special exception from the matter-of-right accessory  
4 uses, of Subtitle U, Section 250, pursuant to Subtitle U,  
5 Section 253.4, and Subtitle X, Section 901.2, to construct  
6 a detached two-story accessory apartment, in the rear of an  
7 attached two-story principal dwelling unit, R-20 zone.

8           Property located at 1963 39th Street Northwest,  
9 Square 1310, Lot 808.

10           BZA CHAIR HILL: Ms. Ferster, are you there?

11           MS. FERSTER: I am here. Can you hear me?

12           BZA CHAIR HILL: Oh, great. Yes, I can hear you.  
13           Could you introduce yourself for the record,  
14 please?

15           MS. FERSTER: Yes, my name is Andrea Ferster, I'm  
16 the attorney for Richard Hall, who is a party in opposition.

17           BZA CHAIR HILL: Thank you.

18           Ms. Moldenhauer, could you introduce yourself for  
19 the record, please?

20           MS. MOLDENHAUER: Good evening, Chair Hill, members  
21 of the Board, Meredith Moldenhauer on behalf of the  
22 applicant, from the Law Firm of Cozen O'Connor.

23           BZA CHAIR HILL: Okay, so I'm sure some of you have  
24 been listening. We're going to try to accommodate you guys  
25 on a Tuesday. And, you all can let me know if you have a

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1 Tuesday preference, I suppose. So, you all can think about  
2 that for a minute.

3 But what, I know there was some issues that the  
4 Board was going to have questions about anyway, and so I  
5 wanted to throw those out a little to you, Ms. Moldenhauer,  
6 to add to the record.

7 One of it was like, you know, I know there's been  
8 this issue or discussion, about the utilities and how they  
9 would be provided to that accessory apartment.

10 So, if you could kind of provide some discussion  
11 about that. Also, the ground floor, we're going to want to  
12 know how that ground floor is going to be used. I know, I'm  
13 just pointing that out if you want to supplement the record  
14 in any way.

15 Yes, I guess that's all I kind of have. I don't  
16 know if my Board, my fellow Board members have anything else  
17 that they wanted to ask of the applicant.

18 VICE CHAIRPERSON JOHN: I would be interested in  
19 hearing from both parties on the question of the covenant.  
20 And, how that affects ownership of the property.

21 In other words, what is the Board's authority to  
22 hear the case where there is a cloud on the ownership, or an  
23 alleged cloud on the ownership. And, just one way or the  
24 other, how does that affect the Board's jurisdiction?

25 BZA CHAIR HILL: Okay, and also Ms. Muldenhauer,

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1 like, I was interested in the covenant as well. Like, I just  
2 want to know what that whole thing is about.

3 And, so you were going to get asked a lot of  
4 questions about that anyway. So, if you want to give us  
5 anything that, you know, you want to, you're welcome to.

6 Okay, anything else from my fellow Board members,  
7 that is?

8 VICE CHAIR JOHN: No.

9 BZA CHAIR HILL: Okay, and I'm going to give both  
10 parties an opportunity just to ask any questions.

11 Give me one second.

12 (Pause.)

13 BZA CHAIR HILL: I don't know why I have a note  
14 here. The deed restriction, whether it precludes the  
15 applicant from building the accessory structure. I wrote  
16 that down somewhere but, okay, anyway, I don't need anything.  
17 That's all I need, Ms. Muldenhauer.

18 Those two items, I guess.

19 VICE CHAIRPERSON JOHN: I think that's the same  
20 question. Sorry to interrupt you. I think that's sort of  
21 the same question I was asking.

22 BZA CHAIR HILL: But it's with the covenant.

23 VICE CHAIRPERSON JOHN: Yes, uh huh.

24 BZA CHAIR HILL: Okay. I thought it was the  
25 easement was, it's been such a long day now.

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1 VICE CHAIRPERSON JOHN: Oh, the covenant that runs  
2 the land.

3 BZA CHAIR HILL: I know it's the covenant right,  
4 (inaudible)

5 VICE CHAIRPERSON JOHN: It says nothing can be  
6 built on that location.

7 BZA CHAIR HILL: I know. I mean, I can --  
8 (Simultaneous speaking.)

9 VICE CHAIRPERSON JOHN: Yes.

10 BZA CHAIR HILL: -- I can see the cul-de-sac  
11 diagram in my head and (inaudible)

12 VICE CHAIRPERSON JOHN: Well, I've been resting all  
13 day, Chairman.

14 BZA CHAIR HILL: And, I got the Parks Service in  
15 my brain right now, and I'm like.

16 Ms. Ferster, do you have anything you'd like to  
17 add at this late time in the day?

18 MS. FERSTER: No, we don't have anything. We have,  
19 we'd like to have a little input in the scheduling only  
20 because I was able to poll my clients when I thought that the  
21 scheduling would occur on a Wednesday. And, I haven't been  
22 able to poll them on a Tuesday, or any other day.

23 BZA CHAIR HILL: Got it. Well, I mean that's  
24 great. If you want to, we can kind of, we're trying to work  
25 together.

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1 I mean, the Wednesday that was apparently  
2 available was April 27, and that's not what either one of you  
3 want, correct?

4 MS. FERSTER: My client --

5 BZA CHAIR HILL: Well, Ms. Moldenhauer, it's not  
6 what you want, right?

7 MS. MOLDENHAUER: No. We, the case has already  
8 been postponed six months. We would be very appreciative of  
9 the Board --

10 BZA CHAIR HILL: Okay, all right, so we're trying  
11 to figure it out. We're trying to figure it out.

12 Ms. Moldenhauer, do you have anything that you  
13 want to add?

14 MS. MOLDENHAUER: I just have two quick questions.  
15 I know you guys are exhausted.

16 On slide 19, we did address the utilities, of our  
17 PowerPoint. I wasn't sure if that was sufficient, or if you  
18 wanted something more than what was said in slide 19.

19 BZA CHAIR HILL: I don't know.

20 MS. MOLDENHAUER: Okay.

21 BZA CHAIR HILL: I haven't gotten to slide 19 yet,  
22 to be quite honest. So, if you think slide 19 does what we  
23 need, then.

24 MS. MOLDENHAUER: Well, we'll determine whether we  
25 supplement it with additional information, more than what was

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1 on slide 19.

2 BZA CHAIR HILL: Okay.

3 MS. MOLDENHAUER: And, then I guess the question  
4 that you're asking about the alleged language of the  
5 subdivision plat, are you asking us to address which has been  
6 referred to as the covenant.

7 Are you asking us to address whether the Board has  
8 authority to review that, or if that's an issue for the D.C.  
9 Superior Court? Or are you asking us to actually address the  
10 issue on its merits?

11 VICE CHAIRPERSON JOHN: If you could address the  
12 issue on its merits. Because I don't know what the issue is.  
13 One side is saying one thing, the other one is saying the  
14 other.

15 So, if you'd like to address it, it's up to you.  
16 It would be good for the Board to understand what the issue  
17 is. I couldn't even read the covenant because it's so  
18 blurred.

19 MS. MOLDENHAUER: There's no specific covenant  
20 recorded. There's a deed that, and then there's the survey  
21 plat.

22 But we will supplement a written statement,  
23 address that for Board Member John, and Chairman Hill.

24 VICE CHAIRPERSON JOHN: Okay.

25 MS. MOLDENHAUER: And, you asked us, Chairman Hill,

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1 what dates. The 22nd would work for us. That's a Tuesday.

2 BZA CHAIR HILL: Okay, well give me a second  
3 because now we need information. So, how long before you can  
4 get the information to us?

5 MS. MOLDENHAUER: We'll file that by let's say the  
6 15th. That would give seven days prior to the 22nd.

7 MS. FERSTER: Mr. Chairman, this is Andrea Ferster  
8 calling. March 22nd is the one day I am not available. I  
9 have a long scheduled vacation. I will be in an airplane on  
10 that day, returning from it.

11 BZA CHAIR HILL: Okay, I got my thumbs up, Ms.  
12 Ferster. Everybody deserves a day off.

13 Does the 29th work for everybody, kind of?

14 Okay, I got a thumbs up from Ms. Moldenhauer. Ms.  
15 Ferster, you got the 29th okay?

16 MS. FERSTER: The 29th works for me. I will ask  
17 my clients, but I hope it will.

18 BZA CHAIR HILL: Yay, no, I got you.

19 Does the 29th kind of work for us, you guys, Mr.  
20 Chairman Hood? I got a thumbs up Chairman Hood, I got a  
21 thumbs up Mr. Blake. I got a Vice Chair John thinking about  
22 it.

23 (Pause.)

24 BZA CHAIR HILL: You still thinking about it Vice  
25 Chair John?

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1 VICE CHAIRPERSON JOHN: Oh, I'm fine. I didn't  
2 realize you were looking at me.

3 BZA CHAIR HILL: I was waiting on you. All right.

4 VICE CHAIRPERSON JOHN: Oh, no, I'm fine, thank  
5 you.

6 BZA CHAIR HILL: That's okay.

7 Then let's come back on the 29th, or try, Ms.  
8 Ferster.

9 And, then Mr. Moy, if you can try to reach out to  
10 Ms. Giordano, and then see if that works for them also on the  
11 29th.

12 And, we'll do, wow, we're going to do the 29th and  
13 the 30th. We're going to go back-to-back. Wow. Oh, no.

14 Oh, Ms. John, you can chuckle --

15 (Simultaneous speaking.)

16 MEMBER BLAKE: We're like HPRB.

17 BZA CHAIR HILL: HPRB?

18 MEMBER BLAKE: Yes, they do that. They do, you  
19 know, they do two days, and stuff like that.

20 BZA CHAIR HILL: Yes, but not like we do. HPRB,  
21 they got like, they're like a bunch of you know, phew. They  
22 got nothing going on at HPRB.

23 So, Ms. John though, maybe you can run one day;  
24 I'll run one day.

25 VICE CHAIRPERSON JOHN: Mr. Chairman, I'm not the

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1 one that's setting back-to-back hearings. I think if you  
2 break it, you fix it.

3 BZA CHAIR HILL: You break it, you broke. You  
4 broke it, you buy it.

5 Oh man, it's getting late. I got to stop. My  
6 wife's going to be like you are talking way too much.

7 All right, okay, so we kind of know what we're  
8 doing.

9 Ms. Ferster, thanks for sticking around. Ms.  
10 Moldenhauer, thanks for sticking around. We'll get all the  
11 information from Ms. Moldenhauer on the, when did she say,  
12 Ms. Moldenhauer?

13 VICE CHAIRPERSON JOHN: 29th, oh, sorry.

14 MR. MOY: 15, March 15th, still.

15 BZA CHAIR HILL: March 15th. Well, actually still  
16 do it on --

17 (Simultaneous speaking.)

18 MS. MOLDENHAUER: We can do it by maybe the 16th  
19 now if we're not, if we're.

20 BZA CHAIR HILL: Right.

21 MS. MOLDENHAUER: Is that okay?

22 BZA CHAIR HILL: Do the 16th, do the 16th. Then  
23 that will give a week for Ms. Ferster to add anything about  
24 that by the 23rd. Ms. Ferster, do you hear me?

25 MS. FERSTER: Yes.

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1 BZA CHAIR HILL: Okay, and then we'll see you guys  
2 on the 29th at 9:30, 9:30.

3 MS. MOLDENHAUER: Thank you for your time.

4 BZA CHAIR HILL: Okay, thank you and you're very  
5 welcome.

6 MS. MOLDENHAUER: And, your service today.

7 MS. FERSTER: Thank you.

8 MS. MOLDENHAUER: And, your long service.

9 (Simultaneous speaking.)

10 BZA CHAIR HILL: Yes, thanks. We really appreciate  
11 the service. Thanks for thanking us. Thanks, thanks.

12 Okay, bye.

13 VICE CHAIRPERSON JOHN: Bye. Bye, Chairman.

14 BZA CHAIR HILL: No, no, I'm not saying bye. I'm  
15 talking to you people now for a second.

16 VICE CHAIRPERSON JOHN: Oh, okay.

17 BZA CHAIR HILL: Okay, so do we need to do  
18 anything? You guys, Mr. Blake, I just lost him, no? Do we  
19 need anything?

20 No, do we need anything? Do you all need  
21 anything? Mr. Blake's tie has stayed on the whole time. I'm  
22 pretty impressed. Wow, I'm impressed.

23 All right, okay, everybody have a nice evening.

24 VICE CHAIRPERSON JOHN: All right.

25 BZA CHAIR HILL: Mr. Moy, can we adjourn?

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1 (No audible response.)

2 BZA CHAIR HILL: Okay, bye bye.

3 Adjourned.

4 (Whereupon, the above-entitled matter went off the  
5 record at 7:35 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 03-09-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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