

**BZA Case No. 20643**

**Written Testimony of Meredith Rathbone and Stephen Bocanegra**

**5931 Utah Avenue, NW, Washington, DC 20015 (Immediate Neighbors to ECC)**

**March 8, 2022**

We are the next door neighbors to ECC, and the building next door to our house is proposed to be used by Maret as a locker room, and to be used by Maret and third parties as a restroom building.

While we are not in theory opposed to Maret using this space, we do share many of the same concerns in relation to frequency of use and other issues that you have heard from our neighbors.

But our primary focus in submitting this statement is to address the acute effect of Maret's proposed plan on our house in particular, as our house is immediately next door – within approximately 20 feet – of the proposed restroom/locker room building.

In doing so, we're mindful of the original BZA discussions approximately twenty years ago surrounding the likely impact the ECC Media Center – which was in the proposal phase at that time – would have on the nearest neighbors [see BZA Public Hearing Minutes February 20, 2001, regarding Application Number 16671 of the Episcopal Center for Children, pursuant to 11 DCMR 3104.1, for a special exception under Section 206 to allow the construction of a library/media center on the grounds of an existing private school in an R-1-B District at premises 5901 Utah Avenue, Northwest, Square 2319, Lot 829.]. In particular, there was significant discussion at the BZA at that time focused on ensuring the placement of the Media Center would not become objectionable due to noise traffic, number of students, or other objectionable conditions. In that BZA proposal, the DC Office of Planning noted the building as proposed would not generate any additional traffic to and from the property. The Office of Planning further noted the applicant was required "to be in harmony with the general purpose and intent of the zoning regulations...and will not tend to affect adversely the use of the neighboring property." [pg 185, lines 13-16 of BZA minutes] This BZA's Summary Order granted on February 20, 2001 contains similar language.

We are not asking to re-arbitrate those discussions, but do wish to highlight that those earlier BZA deliberations specifically addressed the intended use of the Media Center and the mitigations in reaching its decision that allowed the building to be built at its current location, in such close proximity to the property line and to what is now our house.

We have engaged in a productive dialogue with Maret, and we believe we are now in agreement on most aspects of the mitigation plan, including fencing and screening, both between our house and the locker room/restroom building and between the building and the field, so as to discourage people from congregating near our back yard to watch the games instead of watching them from the stands or sidelines. We would like all aspects of our agreement with Maret to be incorporated into the requirements set out by the BZA for Maret's use of this space, and welcome your guidance as to how to present that to you. This is important to us because we realize that some of the mitigations proposed by ECC for the original use of the Media Center were either not carried out, or were not maintained as the years passed (e.g., the incorporation of evergreen landscaping and a provision to ensure light sources from the building would not throw light onto the surrounding neighbor – the security lights cast a bright light directly into our home).

Unfortunately, however, the most significant issue by far from our perspective remains unresolved, and that is the location of the entrance to the restroom/locker room building. That entrance is proposed to be right outside of our house. We can see and hear that space from our kitchen, dining room, three bedrooms, and an office, where one of us works from home.

We will hear not just the happy noises of kids playing across the way on the field, but also very isolated voices and conversations as people are entering/exiting the restroom/locker room building. We know from current experience when people are on the ECC campus that this can be extremely distracting. That is not a big deal if it is a typical neighbor with one or two people entering/exiting the house a few times per day, but this neighbor will have dozens of exuberant kids coming in and out of the building on a daily basis anywhere between 5-7 days per week.

This is simply too much to impose on a neighbor, especially when there are suitable alternatives. Maret has offered to build a fence along that side of our house (which currently has only a chain link fence). While we appreciate that offer, it will not be sufficient to reduce the noise and visual distraction from our house, including from the second and third floors.

While it is not possible to fully remediate our concerns if this building is going to be used as a restroom area for Maret and third parties, and a locker room area for Maret, there is a relatively simple solution that would help enormously – and that is for Maret to move the entrance back to the other side of the building near where it was originally proposed. While that would not eliminate the negative effect on us, it would significantly improve our privacy and day-to-day enjoyment of our house.

Maret originally proposed that the entrance be located on the other end of the building away from our house and facing the field. We had asked in our in-person discussions with Maret that they keep the general location but adjust the direction of the entrance slightly so that people entered from the Nebraska Avenue side of the building rather than from the field side of the building, and that they incorporate some plantings on the field side of the building to reduce the likelihood of people congregating in the part of the property near the edge of our fence. Approximately two weeks after that meeting, in some Maret "office hours" that we happened

to attend, an ANC commissioner asked where the entrance to the locker room would be, and that is when we learned that Maret had proposed moving the entrance to be right by our house.

When we asked Maret about the change, they told us that they had understood from our prior discussions that we wanted the entrance to be moved to where it is now proposed – right outside of our house. We were extremely surprised to learn that there could have been such a misunderstanding. We cannot for the life of us understand how Maret possibly could have walked away from those meetings thinking that we wanted the noise and visual distractions moved closer to our house rather than further away from our house.

Taking Maret at their word here, this was a very, very unfortunate misunderstanding. But the result of that misunderstanding cannot be that for the next 50 years of our lives, 5-7 days per week, we have dozens of kids (including through third parties renting the field) going in and out of a restroom and locker room right outside our windows – especially when Maret can simply move the entrance back to the vicinity of its originally proposed location, but facing Nebraska Avenue.

We chose to live in a house next to ECC and would not have the same concerns about the ECCN student community using this building as a media center. Our understanding is that ECC's intent is to support 20-30 ECC students, who will be supervised when they are at school. There is also an underground passageway that they can use to enter the building. This proposed use by Maret is very, very different from the use that was originally authorized by the BZA 20 years ago, but we believe we've suggested mitigation steps that can be mutually beneficial to both parties.

Finally, we note that in addition to being the closest house by far to the proposed locker rooms and restrooms, the location of our property makes us closest property to the multipurpose field. Part of the mitigation to the neighbors to the east side of the field was to shift the field even closer to our yard and that of our neighbors on Utah Avenue. So we feel like we got a little bit of a double whammy. Again, we want to recognize that we have agreed with Maret on a lot and it has been a productive dialogue. But the placement of the entrance to the restrooms/locker room is a huge concern and will be extremely disruptive to our ability to enjoy peace and quiet not just in our yard, but inside our home.

We respectfully request the BZA require Maret to move the entrance to the opposite end of the building toward the field – as Maret had originally proposed – with the entrance pointing toward Nebraska Avenue. We also request that the BZA include, as a condition for any approval, that Maret must implement not only that but also the other mitigation measures to which we and Maret have agreed (we have written records of our dialogue with Maret on this subject and we welcome your guidance as to how best to provide that to you).

Thank you very much for your consideration, and we welcome the opportunity to answer any questions you may have.